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PART 355—CERTIFIED PRODUCTS FOR DOGS, CATS, AND OTHER CARNIVORA; INSPECTION, CERTIFICATION, AND IDENTIFICATION AS TO CLASS, QUALITY, QUANTITY, AND CONDITION

Laboratory Rate Increase

Pursuant to the statutory authorities cited below, the fees relating to laboratory service performed in connection with inspection, identification, or certification service rendered to operators of meat establishments, importers, or exporters by the Animal and Plant Health Inspection Service, Meat and Poultry Inspection Program, are hereby amended to reflect increases in operating costs since the last increase December 1, 1973, and to reflect increases in Federal employees' salaries authorized by the Federal Pay Comparability Act of 1970, and Executive Order 11811, dated October 8, 1974. Such increases will more adequately cover the cost of the laboratory service provided.

Therefore, the rate for laboratory service, as provided for in these Parts, is changed from \$16.88 per hour to \$19.20 per hour in §§ 350.7(c) and 355.12.

(7 U.S.C. 1622(h), 1624)

It has been determined that in order to cover these increased costs of the services, the hourly fees charged in connection with the performance of the services must be increased as soon as practicable as provided herein. The need for the increase and the amount thereof are dependent upon facts within the knowledge of the Animal and Plant Health Inspection Service. Therefore, under 5 U.S.C. 553, it is found that notice and other public procedure with respect to these amendments are impracticable and unnecessary and good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

These amendments shall become effective January 5, 1975.

Done at Washington, D.C., on:

HARRY C. MUSSMAN,
Acting Administrator, Animal
and Plant Health Inspection
Service.

DECEMBER 19, 1974.

[FR Doc. 74-30058 Filed 12-24-74; 8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 74-1315]

PART 545—OPERATIONS

Public Unit Accounts; Correction

DECEMBER 18, 1974.

The Federal Home Loan Bank Board hereby corrects Board Resolution No. 74-1228 (FR Doc. 74-28640, 39 FR 42693-95; December 6, 1974), which amended §§ 526.1, 526.4, and 526.5 of the Regulations for the Federal Home Loan Bank System (12 CFR 526.1, 526.4, and 526.5), and made conforming amendments to §§ 545.1-4 and 545.3-1 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 545.1-4 and 545.3-1) and to §§ 563.3-1 and 563.3-2 of the Rules and Regulations for Insurance of Accounts (12 CFR 563.3-1 and 563.3-2), by:

(1) Correcting a typographical error by changing the phrase "currently 5.5 percent" in part B.4. of the explanatory *Summary* preceding the preamble and regulatory language to read "currently 5.25 percent"; and

(2) Making retroactive to November 27, 1974, the effective date of the amendments to §§ 545.1-4(c) (3) (i) and 545.3-1(b) (3) (i), as amended by Board Resolution No. 74-1200 (FR Doc. 74-27934, 39 FR 41515-16; November 29, 1974). Board Resolution No. 74-1200 was adopted by the Board on November 22, 1974, with an effective date of November 29, 1974, thereby inadvertently superseding the later Board Resolution No. 74-1228, which was adopted by the Board on November 26, 1974, with an effective date of November 27, 1974. Sections 545.1-4(c) (3) and 545.3-1(b) (3) shall read as follows, effective November 27, 1974:

§ 545.1-4 Other savings accounts.

(c) *Limitations.* In accepting savings deposits under the authority contained in paragraph (a) of this section, no Federal association shall:

(3) (i) Accept any fixed-term savings deposit of less than \$100,000 (\$50,000, if the association's home office is located in Puerto Rico) for a term of less than 90 days (30 days for a public unit account) or more than 10 years; or (ii)

Accept any fixed-term savings deposit of \$100,000 (\$50,000, if the association's home office is located in Puerto Rico) or more for a term of less than 30 days or more than 10 years. (iii) Any savings deposit issued pursuant to this section may provide for renewal, at the option of the association, for successive periods not exceeding 10 years for each renewal.

§ 545.3-1 Distribution of earnings at variable rates.

(b) Eligibility requirements. * * *

(3) *Accounts evidenced by certificates.* (i) A savings account of less than \$100,000 (\$50,000, if the association's home office is located in Puerto Rico) which is evidenced by a certificate meeting the requirements of paragraph (c) of this section may receive earnings at a rate higher than the regular rate, but not in excess of the applicable maximum rate of return prescribed for certificate accounts in Part 526 of this chapter, if such account is maintained at not less than the minimum amount required by such Part for such rate of return, and for such continuous period of not less than 90 days (30 days for a public unit account), nor more than 10 years, commencing on the date of such certificate, as the association may determine. (ii) A savings account of \$100,000 (\$50,000, if the association's home office is located in Puerto Rico) or more which is evidenced by a certificate meeting the requirements of paragraph (c) of this section may receive earnings at a rate higher than the regular rate, but not in excess of the applicable maximum rate of return prescribed for certificate accounts in Part 526 of this chapter, if such account is maintained at not less than such minimum amount, for such continuous period of not less than 30 days, nor more than 10 years, commencing on the date of such certificate, as the association may determine. (iii) Any savings account issued pursuant to this section may be evidenced by more than one certificate.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1404. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MOLLARD, JR.,
Assistant Secretary.

[FR Doc. 74-30082 Filed 12-24-74; 8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 75-7]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Coastwise Transportation

In accordance with section 27, 41 Stat. 999, as amended (46 U.S.C. 883), the Secretary of State has advised the Secretary of the Treasury under date of May 1, 1974, that the Netherlands allows privileges reciprocal to those provided for in the seventh proviso of the cited statute with respect to merchandise transported by United States-flag LASH-type barges. Therefore, corresponding privileges are accorded to LASH-type barges of Dutch registry effective as of the date of such notification. These privileges relate to the coastwise transportation of merchandise by LASH-type barges under the conditions specified in the seventh proviso of section 27, 41 Stat. 999, as amended (46 U.S.C. 883).

Accordingly, paragraph (b) of § 4.81a of the Customs regulations (19 CFR 4.81a(b)) is amended by the insertion of "Netherlands" after "Federal Republic of Germany" in the list of countries under that paragraph.

(Sec. 27, 41 Stat. 999, as amended (5 U.S.C. 301, 46 U.S.C. 883))

There is statutory basis for the described extension of reciprocal privileges, and the amendment recognizes an exemption from the coastwise prohibition of section 27, 41 Stat. 999, as amended (46 U.S.C. 883). Therefore, good cause is found for dispensing with notice and public procedure thereon as unnecessary, and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: December 17, 1974.

DAVID R. MACDONALD,
Assistant Secretary of the
Treasury.

[FR Doc.74-30106 Filed 12-24-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 121—FOOD ADDITIVES

Subpart B—Exemption of Certain Food Additives From the Requirement of Tolerances

SORBITOL; AFFIRMATION OF GRAS STATUS AS DIRECT HUMAN FOOD INGREDIENT; CORRECTION

In FR Doc. 74-21182, appearing at page 34180 in the FEDERAL REGISTER of Monday, September 23, 1974, the following correction is made on page 34181: In § 121.104(g) (4) (iv), the phrase "15 percent in nonstandardized jams and jellies"

is changed to read "30 percent in non-standardized jams and jellies."

Dated: December 18, 1974.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc.74-30049 Filed 12-24-74;8:45 am]

PART 121—FOOD ADDITIVES

Subpart H—Food Additives Permitted in Food for Human Consumption or in Contact With Food on an Interim Basis Pending Additional Study

MANNITOL; REMOVAL FROM GRAS STATUS AND ESTABLISHMENT OF INTERIM FOOD ADDITIVE REGULATION FOR DIRECT HUMAN FOOD USE; CORRECTION

In FR Doc.74-21185 appearing at page 34178 in the FEDERAL REGISTER of Monday, September 23, 1974, the following correction is made on page 34179: In § 121.4005(d), the phrase "30 percent in nonstandardized jams and jellies" is changed to read "15 percent in nonstandardized jams and jellies."

Dated: December 18, 1974.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc.74-30050 Filed 12-24-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION)

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER THE NATIONAL HOUSING ACT

[Docket No. R-74-288]

PART 221—LOST COST AND MODERATE INCOME MORTGAGE INSURANCE

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR MUTUAL RENTAL PROJECTS

Change in the Maximum Per Unit Mortgage Limitation for a One Bedroom Unit in an Elevator Type Structure Under Sections 221 and 236

The Department is amending § 221.514 of Part 221 and Section 236.12 of Part 236 to increase the maximum per unit mortgage amount for a one bedroom unit in an elevator type structure from "\$16,200" to "\$18,630". Section 221.514 was effective August 22, 1974 by document published Sept. 6, 1974 at 39 FR 32436 and § 236.12 was amended on October 7, 1974 at 39 FR 36009 in order to increase the maximum per unit mortgage amounts to those amounts authorized by the "Housing and Community Development Act of 1974." In preparing those amendments, the Department interpreted the "Housing and Community Development Act of 1974" as increasing the maximum one bedroom limit in an elevator type structure from "\$13,500" to "\$16,200." However, upon a further

study of the "Housing and Community Development Act of 1974," it was determined that the limit for a one bedroom unit in an elevator type structure had been increased from "\$15,525" to "\$18,630." Section 303(d) (A) of the "Housing and Community Development Act of 1974" deleted "\$15,525" in section 221(d) (3) (ii) of the National Housing Act and inserted in lieu thereof "\$18,630". The number "\$15,525" appeared in two places in Section 221(d) (3) (ii) and there was no language in Section 303(d) (A) limiting the deletion of \$15,525 to non-elevator structures. Therefore, upon reconsideration, Section 303(d) (A) has been interpreted as increasing the maximum per unit limit for one bedroom units in elevator structures to \$18,630. Section 303(d) (B) of the 1974 Act attempted to strike out "\$13,500" in Section 221(d) (3) (ii) and replace it with "\$16,200". However, since there was no figure of "\$13,500" in Section 221(d) (3) (ii) to strike, the attempted deletion and replacement was a nullity.

Section 221(d) (3) is incorporated by reference into Section 236 and therefore, the maximum per unit mortgage amounts for Section 221(d) (3) are applicable to Section 236.

Since these amendments are of a technical nature to properly implement the "Housing and Community Development Act of 1974," advance notice and public procedure are not necessary and good cause exists for making these amendments effective on publication.

Accordingly, Parts 221 and 236 are amended as follows:

Section 221.514(b) (1) (ii) is amended as follows:

§ 221.514 Maximum mortgage amounts.

* * * * *

(b) * * *

(1) * * *

(ii) \$18,630 per family unit with one bedroom

* * * * *

Section 236.12(b) (2) is amended as follows:

§ 236.12 Maximum mortgage amounts.

* * * * *

(b) * * *

(2) \$18,630 per family unit with one bedroom

* * * * *

(Sec. 7(d), Department of Housing and Urban Development Act; 42 U.S.C. 3535(d)).

Effective date. This amendment will be effective December 26, 1974.

DAVID M. DEWILDE,
Acting Assistant Secretary for
Housing Production and Mort-
gage Credit—Federal Hous-
ing Commissioner.

[FR Doc.74-30064 Filed 12-24-74;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Mechanical Power Presses; Correction of Effective Date

Pursuant to authority in sections 6(b) and 8(g) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1600; (29 U.S.C. 655, 657)) and in Secretary of Labor's Order No. 12-71 (36 FR 8754), the general effective date for the amendments to the occupational safety and health standard for mechanical power presses, § 1910.217, published in the FEDERAL REGISTER on December 3, 1974 (39 FR 41841) is changed from January 1, 1975, to February 2, 1975.

When the amendments were published, it was intended to provide a period of 60 days in which employers could familiarize themselves with the new regulations and adjust their operations accordingly. However, due to an oversight, the general effective date was stated as January 1, 1975 (39 FR 41846, 2nd column, first line) thereby giving employers only 30 days to comply with the new regulations. In order to implement the intention of providing a 60-day delayed effective date, the January 1, 1975 date is hereby changed to February 2, 1975.

Since this action does not result in any substantive change in the standard, it is unnecessary to provide a notice of proposed rulemaking or an opportunity for public participation therein.

(Secs. 6(b), 8(g), Pub. Law 91-596, 84 Stat. 1593, 1600 (29 U.S.C. 655, 657), Secretary of Labor's Order No. 12-71 (36 FR 8754); 29 CFR Part 1911)

Signed at Washington, D.C. this 20th day of December 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-30109 Filed 12-24-74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 204—DANGER ZONE REGULATIONS

Pacific Ocean, Calif.

Pursuant to the provision of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3) § 204.203 establishing and governing the use of a danger zone in the Pacific Ocean at San Miguel Island, California, is hereby amended with respect to paragraph (c) (9) to extend the period of use.

This regulation which extends use of the danger zone for an additional two (2) years from July 1, 1974, is effective on December 26, 1974. Consideration will be given, however, to any comments submitted to the Officer of the Chief of

Engineers, Forrestal Building, Washington, D.C. 20314, Attn: DAEN-CWO-N on or before January 27, 1975. Those comments will assist the Department of the Army in determining whether use of the danger zone should be allowed to continue.

§ 204.203 Pacific Ocean at San Miguel Island, Calif., naval danger zone.

(c) The regulations. * * *

(9) The regulations in this section shall be in effect until July 1, 1976, and shall be reviewed in May 1976 to determine the continuing need therefor.

[Regs. November 29, 1974, DAEN-CWO-N] (Sec. 7, 40 Stat. 266, Chap. XIX, 40 Stat. 892; 33 U.S.C. 1, 3)

By authority of the Secretary of the Army.

FRED R. ZIMMERMAN,
Lt. Colonel, U.S. Army,
Chief, Plans Office, TAGO.

[FR Doc.74-30042 Filed 12-24-74;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5460]

ALASKA

Partial Revocation of Public Land Order No. 5150, as Amended

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Public Land Order No. 5150 of December 28, 1971, which withdrew lands for a utility and transportation corridor in Alaska, as amended by Public Land Orders Nos. 5151 of December 29, 1971, 5182 of March 9, 1972, 5190 of March 17, 1972, and 5405 of January 10, 1974, is hereby revoked so far as it affects surveyed or unsurveyed lands within the following townships:

COPPER RIVER MERIDIAN

Ts. 1, 2, 4, 5, 6, 7, 8 N., R. 1 W.
Ts. 3 thru 8 N., R. 2 W.
T. 1 S., R. 1 E.
Ts. 1 and 2 N., R. 1 E.

2. The lands described in paragraph 1 of this order are hereby deleted from Public Land Order No. 5180 of March 9, 1972, as amended.

3. The lands described in paragraph 1 of this order are subject to section 11 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 696), and will not at this time be made available for other types of disposition. While the lands described in this order remain withdrawn, the lands shall be subject to administration by the Secretary of the Interior under applicable laws and regulations and his authority to make contracts, and to grant leases, permits, rights-of-way or easements shall not be impaired by this order. Applications for leases under the Mineral Leasing Act will be rejected until this order is mod-

ified or the lands are appropriately classified to permit mineral leasing.

JACK O. HORTON,
Assistant Secretary of the Interior.

DECEMBER 18, 1974.

[FR Doc.74-30053 Filed 12-24-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19983; RM-2103; FCC 74-1363]

PART 73—RADIO BROADCAST SERVICES

FM Table of Assignments, Gilroy, Calif.

Report and order (Proceeding Terminated). In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Gilroy, California), Docket No. 19983, RM-2109, FCC 74-1363.

1. The Commission here considers the notice of proposed rule making, adopted March 22, 1974 (39 FR 12872), proposing that the FM Table of Assignments (Section 73.202(b) of the Commission's Rules and Regulations) be amended by substituting Channel 233 for 232A at Gilroy, California, as petitioned for by Entertainment Radio Incorporated (Entertainment), licensee of Station KSNB (FM) on the channel there. The only comments filed were by the petitioner Entertainment.

2. Entertainment petitioned for the change because of the alleged inadequacy of service from Station KSNB (FM) to Gilroy, the city of assignment, and portions of Santa Clara County known as the "South County". Gilroy, population 12,665, is located in Santa Clara County, population 1,064,714, which is the San Jose Standard Metropolitan Statistical Area (SMSA). Petitioner contended that only marginal service is provided to Gilroy and Morgan Hill, population 6,485, a city 10 miles northwest of the principal city of assignment, and in Santa Clara County. Entertainment relied on the fact that there is interference in the service area (between Gilroy and Morgan Hill and parts of Morgan Hill) from Station KPFA, Channel 231, Berkeley, California. Entertainment also adduced additional information to show that Station KSNB primarily serves Gilroy, Morgan Hill, and the surrounding rural area of Santa Clara County—the "South County"—and secondarily the cities of Watsonville and Hollister. We were told that because of the anticipated imminent influx of population and industry from the San Jose area an advisory South County Planning Program Policy Committee (SCPPPC) had been established as concerns an orderly and coordinated planning policy for the South County area which consists of approximately one-third of the land area of Santa Clara County and only about 2% of the present population. Because of the lack of other media—only three newspapers and Spanish language programming from

daytime-only AM Station KAZA, licensed to Gilroy—Station KSND expected to become a primary source of local news, information, and entertainment.

3. The Notice discussed the possibility of Gilroy being entitled to a higher class FM channel in various respects. More specifically, consideration was given to whether a station on a Class B channel at Gilroy would serve unserved (no other FM service) and underserved (one FM service) areas (see *Roanoke Rapids*, 9 F.C.C. 2d 672, 673 (1967)) but petitioner's own study showed that there were a minimum of three and a maximum of 13 broadcast services in the proposed service area. However, it was shown that the operation of Station KPFA, Channel 231, Berkeley, with facilities of 59 kW at 1330 feet antenna height a.s.t. limits Station KSND service within its normal 1 mV/m contour in a northwesterly direction; that there is substantial interference in the principal area of service. Because these were not considered reasons enough for a channel change. Entertainment was asked to provide further current information about population increases at Gilroy and South County. The Notice noted that while assignments are made to a community, the Commission recognized the need to be able to provide service to an entire service area particularly near the community of assignment.

4. Entertainment has filed comments addressed to the issues raised by the Commission. It additionally requests that the Commission also issue an Order to Show Cause under Section 316 of the Communications Act of 1934, as amended, addressed to Station KSND as to modification of its license to operate on Channel 233 in lieu of 232A. Petitioner also requests expeditious action on the rulemaking.¹ Entertainment also urges that it is appropriate for a channel change to be made at Gilroy because of the need for independent local programming service in an extensive rural area in the South County and counties contiguous to Santa Clara County, of which Gilroy is the hub city, and for which Station KSND would be the source of local news, social, and public service programming. In this respect, it is pointed out that KSND is the only English language broadcasting outlet fur-

nishing local service. It is also urged that portions of the South County which rely on programming from Station KSND do not currently receive predicted 1 mV/m service.

5. As concerns the Notice's request for additional official information and data as to population growth, Entertainment advises that there is little official information but that available from other sources demonstrates a rapid population expansion in the SCPPPC and Watsonville areas, and, indeed, projections of population increases for 1980 have already been exceeded. Thus, it is expected that the population of Gilroy will reach 25,000 by 1985. Similar information and data has been adduced showing a greater growth at Watsonville (in KSND's secondary service area). Entertainment Radio concludes that it would be appropriate to assign Channel 233 to Gilroy, since it does not deprive another city of an assigned channel or preclude use elsewhere.

6. As our Notice indicated, there might be good and sufficient reason for changing the assignment at Gilroy, California, from a Class A to a Class B channel. While it was abundantly clear that Station KSND operating on Channel 232A could not provide adequate service to its usual service area because of interference from Station KPFA, this alone was not considered grounds for a channel change. This is why we asked for additional information as to population growth of Gilroy and the surrounding area. We are satisfied that assignment of a Class B channel to Gilroy would make possible a first local service to a substantial area in the "South County" portion of Santa Clara County where a tremendous population growth is under way. In the circumstances, the public interest, convenience, and necessity would be served by assigning Channel 233 in lieu of Channel 232A. Additionally, since Channel 233 may not be used elsewhere in the area,² if not assigned to Gilroy, there is no reason not to make use of the higher channel (see and compare *Pensacola*, 44 F.C.C. 2d 1056, 1061 (1974)).

7. As already noted, Entertainment has asked for an Order to Show Cause to change the operating channel of Station KSND from Channel 232A to 233, should we assign Channel 233. Such action is not necessary, since it is clear that Station KSND (FM) assents to such action. However, in paragraph 9, below, we indicate the steps that Station KSND (FM) must take before commencing operation on Channel 233.

8. In view of the foregoing, and pursuant to authority contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, it is ordered, That effective January 27, 1975, the FM Table of Assignments, § 73.202(b) of the rules and regulations,

² Channel 233 became available only because of the deletion at Fresno to resolve an interference problem. *Fresno, Hanford, and Fowler*, 35 F.C.C. 2d 603 (1972).

is amended to read as follows for the city listed below:

City	Channel No.
Gilroy, California	233

9. It is further ordered, That effective January 27, 1975, and pursuant to Section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by Entertainment Radio Incorporated for Station KSND (FM), Gilroy, California, is modified to specify operation on Channel 233 in lieu of Channel 232A, subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than January 27, 1975, of its acceptance of this modification.

(b) The licensee may continue to operate on Channel 232A under its outstanding authorization until it is ready to operate on Channel 233 or the Commission sooner directs but no later than 3 a.m. local time, December 1, 1977.

(c) At least 30 days before it wishes to commence operation on Channel 233, or within 30 days after it receives notification from the Commission if the Commission sooner directs the change set forth in (b) above, but not later than November 1, 1977, the licensee of Station KSND (FM) shall submit to the Commission the technical information normally required of an applicant for a construction permit on Channel 233 at Gilroy, California.

(d) Ten days prior to commencing operation on Channel 233, the licensee shall submit the same measurement data normally required in an application for an FM broadcast station license.

(e) Entertainment Radio Incorporated shall not commence operation on Channel 233 until the Commission specifically authorizes it to do so.

10. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1080, 1082, 1083 (47 U.S.C. 154, 303, 307))

Adopted: December 10, 1974.

Released: December 18, 1974.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc. 74-30075 Filed 12-24-74; 8:45 am]

[Docket No. 20000; RM-2157; FCC 74-1364]

PART 73—RADIO BROADCAST SERVICES

FM Table of Assignments, Stockton, Calif.

Report and order (Proceeding Terminated). In the matter of amendment of § 73.202(b) Table of Assignments, FM Broadcast Stations. (Stockton, California); Docket No. 20000, RM-2157, FCC 74-1364.

1. The Commission has under consideration its notice of proposed rule making adopted April 3, 1974, 39 FR 13558, inviting comments on a proposal to assign FM Channel 261A as a third assignment to Stockton, California. This

¹ As explained in later correspondence, Station KSND has been operating under severe financial difficulties preventing it from providing adequate service to the public and forcing it to curtail the hours of operation from 126 to 95 per week. Additionally, because of age and technical problems with its existing transmitter, there have been interruptions of service reducing ability to obtain advertising revenue and provide adequate service. Entertainment says that the existing transmitter must be replaced, and, because of the pending rule making, Entertainment would prefer not to undertake the additional financial burden of replacing its current facilities if the channel substitution under consideration in this proceeding will be made.

proceeding was instituted on the basis of a petition filed by Barnes Enterprises, Inc., licensee of standard broadcast Station KWG, Stockton, California. Supporting comments were filed by petitioner. An opposition was filed by Family Stations, Inc., licensee of non-commercial FM Station KEBR (Channel 263) in Sacramento, California.

2. Stockton is a city of 107,644 population,¹ and is the seat of San Joaquin County, population 290,208. It is located about 65 miles east of San Francisco. There are three unlimited time AM stations, two commercial FM stations (257A and 297) and two educational FM stations operating in Stockton. Channel 261A could be assigned to Stockton in conformity with the Commission's minimum mileage separation rule.

3. In supporting comments petitioner states that the 1970 Census shows that in the 20-year period between 1950 and 1970 the population of the Stockton SMSA increased from 200,750 to 290,208, a 40.6% increase; the Stockton SMSA now ranks 107 nationally; in the past ten years the Stockton Urbanized Area realized a 13.3% population increase from 141,604 to 160,373; and in the same ten year period the population of the City of Stockton increased by 24,770 from 86,321 to 107,644. It contends that a third commercial FM assignment in Stockton is needed to better serve this rapidly growing area and to equalize the competitive opportunities between the three local stations. Petitioner (licensee of Station KWG, a Class IV AM station) adds that it is the only broadcast licensee in Stockton without an FM operation and if the requested channel is assigned, it plans to immediately apply for a permit to construct an FM station on this frequency.

4. The timely filed opposition of Family Stations, Inc. (KEBR) contends that Station KEBR operating on Channel 263, already receives interference in the Stockton area where the signal level is below 1 mV/m from a station operating on Channel 265A in Tracy, a town near Stockton, and that the proposed Channel 261A assignment would cause interference on the other side of the KEBR signal, thus making it more difficult for its listeners. KEBR states that if the proposed Channel 261A transmitter were placed on the north side of Stockton, this would preclude KEBR from ever placing its transmitter within the immediate vicinity of the Sacramento city limits, for the KEBR transmitter is now 25 miles northeast of Sacramento and this could be a disadvantage as most of the other Sacramento FM transmitters are near the city thus placing a greater signal over the city of license. KEBR therefore proposes, if assignment is granted in the face of these objections, that a limitation be placed on the location of the Channel 261A transmitter.

5. Although KEBR expresses concern about possible foreclosure of a future

move of its transmitter site closer to Sacramento, it is presently limited by the spacing requirements by stations on Channel 260 at Marysville, California, and Channel 262 at San Jose, California, to an area immediately east of Sacramento. The assignment of Channel 261A to Stockton would have very little effect on the choice of a site. Since the provisions of Section 73.315 of the Rules would require the Stockton applicant to select a site close to the community, the possibility of a site north of Stockton being selected is minimal. Under the worst situation, KEBR could move westward about 12 miles to a location within the urban area of Sacramento so that it would be able to provide a strong signal competitive with the other local FM stations.

6. Since there is already Class A and Class B channel intermixture in the community, the assignment of another Class A channel will not contravene the Commission policy on the intermixture of channel assignments. The preclusion study shows that the proposed assignment would cause no preclusion on the six pertinent adjacent channels. The preclusion area on Channel 261A does not include any other community which warrants a Class A channel assignment. Under our population criteria Stockton has a population the size of which would warrant its being assigned a third FM channel. After consideration of the pertinent facts in this proceeding, we are of the view that the subject proposal has merit and that its adoption would serve the public interest and would result in efficient use of FM frequencies.

7. In view of the foregoing and pursuant to authority contained in sections 4(i), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, it is ordered, That effective January 27, 1975, the FM Table of Assignments, § 73.202(b) of the rules is amended to read as follows for the city listed below:

City	Channel No.
Stockton, California-----	257A, 261A, 297

8. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1000, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: December 10, 1974.

Released: December 18, 1974.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-30076 Filed 12-24-74;8:45 am]

[Docket No. 20024; FCC 74-1381]

PART 76—CABLE TELEVISION SERVICES Identification of Officials Responsible for Subscriber Complaints

Report and Order (Proceeding Terminated). In the matter of: amendment of Part 76 of the Commission's Rules and Regulations Relative to a Specific Re-

quirement in § 76.31(a) (5) that the Local Official Responsible for Subscriber Complaints be Identified in the Franchise, Docket No. 20024.

1. On April 22, 1974, the Commission adopted its *Clarification of Rules and Notice of Proposed Rulemaking*, FCC 74-384, 46 FCC 2d 175 (1974), in which it stated that,

Assuring that subscribers receive quality service and quick resolution of any complaints is one of the most important regulatory functions to be performed at all levels of government. The primary locus of responsibility however, must be at the local level, where the service is.¹

The experience of the Cable Television Bureau's Cable Complaint Service bears out this observation. Each month the Service receives between 70 and 110 subscriber complaint letters and approximately 50 telephone calls. Many of these complaints do not require Bureau intervention and are more appropriately matters for local consideration.² Much time and effort can be saved if subscribers know and are able to contact their local authorities in the first instance.

2. Section 76.31(a) (5) of the Commission's Rules states that a cable television system, in order to obtain a certificate of compliance, shall have a franchise that specifies "procedures for investigation and resolution of all complaints regarding the quality of service, equipment malfunctions, and similar matters * * *". However, we noted that,

Many franchises are now being reviewed which have full statements of the franchisee's obligations to resolve subscriber complaints but no indication whether the franchisor has any responsibilities. We wish to make it clear, therefore, that this obligation was meant to cover both parties.³

Therefore, we adopted, as part of the *Clarification*, a *Notice of Proposed Rule Making in Docket No. 20024*, proposing that § 76.31(a) (5) be amended to require:

* * * franchising authorities * * * [to] include specific provisions in the franchise on what government officials will be directly responsible for receiving and acting upon subscriber complaints.⁴

We further "urged that this information along with the specified procedure for reporting trouble to the cable operator be given to all cable subscribers as they are hooked into the system."⁵

3. We now are in receipt of comments and replies to our *Notice*, provided, in general, by members of the following five interest groups: the cable industry, the broadcast industry, municipalities, state and local commissions, and public interest organizations. Generally each expressed its support for the concept of local complaint procedures but, as might be expected, disagreed as to the extent to which such procedures should be determined by the Federal government.

¹ *Clarification*, *supra* at para. 86.

² Of the more than 500 complaints handled by the Service as of September 20, 1974, approximately 65% concerned local matters.

³ *Clarification*, *supra* at para. 86.

⁴ *Clarification*, *supra* at para. 88.

⁵ *Id.*

¹ All population figures are from the 1970 U.S. Census.

4. Comments filed by members of the cable television industry expressed opposition to any requirement that local officials or procedures be designated in the franchise. The cable industry depends on a good relationship with its subscribers and therefore, the industry argues, additional Federal regulations are unnecessary and constitute overregulation. The National Cable Television Association argues that imposition of Federally dictated local complaint procedures will overburden franchising authorities, especially those in small communities, and will deny them flexibility in establishing complaint procedures suitable to their local needs and characteristics. The cost of this additional regulatory burden, NCTA suggests, will be passed on to the local cable operator by means of "justified" increases in the franchise fee. Buckeye Cablevision *et al.* adds that the Commission's proposal, if adopted, will detract from the purpose of the Commission's Cable Complaint Service.

5. Municipalities also oppose Federal imposition of cable complaint procedures at the local level. Mostly they fear that predetermined procedures would deny them flexibility in approach. St. Louis Park, Minnesota, views the proposed amendment as a "nationwide standard on a local service," and the League of Wisconsin Municipalities contends that "standardization of complaint procedures would tend to impede local authority." Several comments have proposed that the Commission adopt a more flexible rule that will allow for the unique powers and capabilities of individual municipalities. Thus, the City of Knoxville, Tennessee, urges adoption of advisory guidelines, the City of Tempe, Arizona, believes that the franchisor should be free to designate the responsible official, and the City of Dallas, Texas, suggests that a general designation of the City rather than a local official should be made in the franchise. The National League of Cities and the City of San Diego, California, each assert that designation of officials and procedures in the franchise would freeze the administrative organization and block future reassignment of duties or responsibilities. Therefore, they suggest that the cities be allowed to adopt complaint procedures as part of their administrative regulations where they could be more easily amended.

6. Several municipalities indicated that they already have established or are considering the establishment of complaint service procedures,⁶ and that a Federally imposed program would hinder their efficiency. Others believe the local regulatory program to be a financial burden, which they wish to avoid.

7. Finally, several municipalities assert the impropriety of the proposed rule: the City of Eugene, Oregon, questions whether a city should handle consumer complaints for a commercial busi-

ness since that implies its responsibility for an efficient operation; the Metropolitan Washington Council of Governments comments that a franchise is an agreement between the franchisor and franchisee and should not be used to represent the local government's obligations to the community; and the City of Anaheim, California, believes a possible conflict exists where Federal jurisdiction extends into areas of local control reserved by the State to the City.

8. Only a few comments were received from the broadcast industry. The National Association of Educational Broadcasters agrees with the Commission that franchisors as well as franchisees should share an equal obligation in resolving cable complaints. It also suggests that a complaint service should not be limited to resolution of complaints from "subscribers," but should handle any and all complaints relating to the local cable television operations.

9. Those public interest groups which submitted comments unanimously support the proposed rule change, but urged even more from the Federal government. The Civil Liberties Union of Alabama suggests that cable systems be required to notify their subscribers of the identity of the municipal agent responsible for handling complaints; the National Black Media Coalition urges that the local official be required to be named before the system begins operations; and the Philadelphia Community Cable Coalition goes one step further suggesting that the official should be named as soon as the franchising process begins. Additional suggestions include Federal publication of information for use by cable subscribers, and recordation of all complaints filed against the cable system.

10. The New York State Commission on Cable Television, which has its own Subscriber Complaint Unit, submitted comments regarding its experience. It suggested that most complaints should be resolved locally and noted that New York State presently requires each franchise to designate a local official responsible for subscriber complaints. Although the Commission indicated that the proposed rule change would be compatible with its own regulatory program, it also stated its firm opposition to the Commission's extension of its jurisdiction. The Cable Television Rates and Services Committee of the Texas Utility Advisory Council believes that franchises should contain a general designation of the City as the authority responsible for receiving and resolving complaints, thereby giving it needed flexibility in regulation. The Minnesota Commission on Cable Communications, on the one hand, supports designation of the local official in the franchise so that the public will be informed.

11. Most of the many comments received were of great assistance during our deliberations in this proceeding. Some parties however, thought we were proposing to dictate complaint procedure for use by local authorities, and used their comments to express opposition to such an idea. Our proposal was never intended to be so drastic. We recognize that

local jurisdictions may, in this area, have unique problems, and we do not intend to stifle local programs with nationally uniform complaint procedures. Rather, we are concerned that each franchising authority has adopted some program in the public interest for the efficient resolution of local cable television related complaints. As businessmen, of course, cable operators are, as a whole, devoted to maintaining a good relationship with their customers. It is inevitable, however, that complaints will arise, and we believe the establishment of local procedures, known to members of the community, will provide a more efficient method for their resolution. Further, establishment of local complaint services will enhance rather than deter from the purpose of the Commission's Cable Complaint Service, since it then will be able to devote more time to the resolution of broad problems affecting many cable systems in various localities.

12. We find much merit to the suggestion that local procedures be set out in a municipality's administrative regulations rather than the franchise. We expect that local authorities will be experimenting in the development of effective procedures and we want to provide them with needed flexibility. However, to ensure that some program of complaint resolution is available and known to the public, we believe the franchise must contain (a) a statement indicating the existence of local complaint procedures, (b) the designation of a specific official or office responsible for implementation of the complaint procedures (we are not requiring that the personal name be stated, but only the official title such as, "City Treasurer," "General Services Committee," or "Citizens' Cable Association"), and (c) a statement that the complaint procedures and responsible authority will be made known to all subscribers upon subscribing to the system.⁷

13. When we adopted the *Cable Television Report and Order*, FCC 72-108, 36 FCC 2d 143 (1972), we anticipated the development and existence of local regulatory programs and considered their financial "burden" on a community. Thus, we established the maximum franchise fee at a level that, in our judgment, was sufficiently high, three percent of gross subscriber revenues, to support such programs. Although we do allow an even higher fee where "appropriate,"

⁶ In response to the Civil Liberties Union of Alabama's suggestion, that cable systems be required to notify subscribers of the identity of the municipal agent responsible for handling complaints, we note that this information will be provided pursuant to our rule but that we are permitting flexibility as to the designation of the person or persons responsible for communicating it to the subscribers.

⁷ In the *Cable Television Report and Order*, *supra* at para. 186 we stated: When the fee is in excess of three percent . . . the franchising authority is required to submit a showing that the specified fee is appropriate in light of the planned local regulatory program . . .

⁶ E.g., Portland, Oregon; Knoxville, Tennessee; Stockton, California; Burbank, California; Tempe, Arizona.

it remains our opinion that local programs such as the one we are now proposing can be financed adequately within the present allowable franchise fee.

14. We believe the benefits for the cable subscribers, cable industry, and other members of the community justify the adoption of local complaint procedures. In *United States v. Southwestern Cable Co.*, 392 U.S. 157 (1968), and *United States v. Midwest Video Corp.*, 406 U.S. 649 (1972), the Commission's authority to regulate the cable industry was recognized by the United States Supreme Court. Our amendment is a compatible addition to our existing Rules for regulation of cable television as it is in keeping with their purposes.

15. The rules as amended will require that complaint procedures be adopted, that a responsible authority be identified, and that subscribers be informed of both. And, while the term "subscriber" complaints oftentimes has been used, we have never intended that it be narrowly defined. For a complaint service to accomplish its purpose it necessarily must consider any complaint related to operation of cable systems.⁹

Having carefully considered the comments submitted in response to our Notice we believe the increased local participation in the resolution of cable com-

plaints required by the rule adopted will serve the public well. While more extensive procedures may in some cases be desirable, we leave that for determination at the local level.

16. The rule adopted (See Appendix) will be applicable to cable systems with franchises granted after August 1, 1975. We have chosen this date to allow sufficient time for local authorities to become aware of the amendment, and with a view toward using it in connection with any other rule changes that may result from other pending proceedings related to the *Clarification, supra*.

Authority for the rule amendment adopted herein is contained in sections 2, 4 (i) and (j), 303, 307, 308, and 309 of the Communications Act of 1934 as amended.

Accordingly it is ordered That, effective August 1, 1975, Part 76 of the Commission's rules and Regulations is amended as set forth in Appendix A. it is further ordered, That this proceeding is terminated.

(Secs. 2, 4, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1066, 1032, 1033, 1084, 1035 (47 U.S.C. 152, 154, 303, 307, 308, 309.))

Adopted: December 11, 1974.

Released: December 17, 1974.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

APPENDIX

Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 76.31(a) (5) is amended to read as follows:

§ 76.31 Franchise standards.

(a) * * *

(5) The franchise shall: (i) Specify that procedures have been adopted by the franchisee and franchisor for the investigation and resolution of all complaints regarding cable television operations; (ii) require that the franchisee maintain a local business office or agent for these purposes; (iii) designate by title, the office or official of the franchising authority that has primary responsibility for the continuing administration of the franchise and implementation of complaint procedures; and (iv) specify that notice of the procedures for reporting and resolving complaints will be given to each subscriber at the time of initial subscription to the cable system.

Note.—Subparagraphs (iii) and (iv) of this paragraph are applicable only to franchises granted after August 1, 1975.

* * * * *

[FR Doc.74-30073 Filed 12-24-74;8:45 am]

⁹ *Galvert Telecommunications Corp.*, FCC 74-1095, — FCC 2d — (1974).

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 981]

ALMONDS GROWN IN CALIFORNIA

Proposed Suspension or Termination of Certain Provisions

Notice is hereby given of a proposal to suspend § 981.71 and the second sentence in § 981.72 of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California (hereinafter referred to collectively as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the proposed suspensions also are pursuant to the act. It is also proposed that § 981.471 of Subpart—Administrative Rules and Regulations (7 CFR 981.441-981.482; 39 FR 23239; 39258) be terminated. The proposals were unanimously recommended by the Almond Control Board.

Section § 981.71 requires handlers receiving lots of almonds for their own account to issue a receipt to the person from whom received which is serially numbered and shows for each lot received, the number of containers in the lot, the variety, whether shelled or unshelled, and the settlement weight for each such variety. The second sentence of § 981.72 requires reports of receipts, submitted pursuant to § 981.72 to the Control Board, to be accompanied by duplicate copies of the receipts issued pursuant to § 981.71 for all almonds included in such report. Section 981.471 supplements provisions of § 981.71. Section 981.471 prescribes additional information to be shown on the receipts issued growers, and establishes procedures handlers must follow in issuing such receipts.

Since 1950, when the provisions of § 981.71 were formulated, major handlers have changed the method of receiving and sampling incoming almonds. Although the order does not require incoming inspection of almonds, many handlers have each lot sampled and analyzed for determination of defects. Generally, after the samples have been analyzed and the results known, a weight certificate, and then a settlement sheet produced by a data processing system, is issued to the grower. Periodic summaries of these settlement sheets are sent to the Control Board.

The purpose of § 981.71 was to enable the Control Board to establish the reserve obligation of each handler and furnish the Control Board with statistical information necessary for the conduct of its operations. However, receipts covering each load delivered have never served as the sole means of determining a handler's assessment or reserve obligations. Information enabling the Control

Board to make these determinations is obtained through other reports, such as the report of receipts submitted pursuant to §§ 981.72 and 981.472, and redetermination reports submitted pursuant to §§ 981.73 and 981.473. The submission of grower receipts has only served to confirm the accuracy of the printout summaries from the data processing systems.

Thus, the requirements in §§ 981.71 and 981.471, and in the second sentence of § 981.72, are no longer necessary and have become obsolete. Moreover, these requirements impose an unnecessary financial burden on handlers and on the Control Board to the extent that such receipts are prepared, tabulated, and maintained. This cost burden could adversely affect producer returns.

All persons who desire to submit written data, views or arguments in connection with the aforesaid proposal should file the same in quadruplicate with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, to be received not later than January 10, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The proposals are:

1. To suspend for the 1974-75 crop year and subsequent crop years the operation of § 981.71, and the second sentence of § 981.72 which reads as follows:

Such reports shall be accompanied by duplicate copies of the receipts issued pursuant to the provisions of § 981.71 for all almonds included in such report.

2. To terminate the operations of § 981.471 of the administrative rules and regulations (Subpart—Administrative Rules and Regulations).

Dated: December 19, 1974.

JOHN C. BLUM,
Associate Administrator.

[FR Doc. 74-30059 Filed 12-24-74; 8:45 am]

Farmers Home Administration

[7 CFR Part 1823]

[FmHA Instruction 442.1]

LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

Community Facility Loans

Notice is hereby given that the Farmers Home Administration has under consideration the proposed amendment of § 1823.6 of Subpart A of Part 1823, Title 7, Code of Federal Regulations (38 FR 29026; 39 FR 41829) by the addition of paragraph (b) (4) (i) and (ii) of this section, to allow security other than real estate liens and liens on personal property in those States where such security is precluded by State law; and by the addition of paragraph (c) (3) (i) and (ii) of this section to provide that member-

ship authorization of a project and its financing may not be required under certain conditions.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250.

Comments will be received through January 27, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Deputy Administrator Comptroller during regular business hours. (8:15 a.m.-4:45 p.m.)

As proposed, § 1823.6(b) (4) (i) and (ii) and (c) (3) (i) and (ii) read as follows:

§ 1823.6 Security.

(b) * * *

(4) In those cases where security is not available in accordance with paragraph (b) (3) of this section, a proposal may be considered provided the organization and facilities have:

(i) Been in existence and are able to present evidence of financially successful operation of a similar facility for a period of time sufficient to indicate project success. National Office concurrence is required for those applications in which the applicant has been in existence for less than ten years and/or has not operated on a financially successful basis for at least the last five years.

(ii) Such loans will be secured by an assignment of income and liens on real and personal property as evidenced by real estate mortgages, trust deeds, financing statements, chattel mortgages or statutory liens. If State law precludes securing the loan in such manner, the loan will be secured in the best possible manner consistent with State law and customary security taken by private lenders in the State such as revenue bonds and any other security the State Director determines necessary for a sound loan.

(c) * * *

(3) *Membership authorization.* For organizations other than public bodies, the membership will authorize the project and its financing except that the State Director may, with the concurrence of the Office of the General Counsel, waive such membership authorization when State statutes and the organization's charter and bylaws do not require such authorization; and:

(i) The organization is well established and is operating with a sound financial base; or

(ii) The members of the organization have all signed an enforceable user agreement with a penalty clause and have

made the required meaningful user cash contribution, except for members presently receiving service or when State statutes or local ordinances require mandatory use of the facility.

(7 U.S.C. 1989; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Dated: December 19, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-30121 Filed 12-24-74;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

REA POLICY AND PROCEDURE

Flood Insurance for Buildings Owned by REA Borrowers

Notice is hereby given that pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue a supplement to REA Bulletin 114-2:414-1, Minimum Insurance and Fidelity Coverages for Electric and Telephone Borrowers. The purpose of the proposed supplement is to revise REA policy on required insurance coverage for flood damage to buildings and contents owned by REA borrowers consistent with the provisions of the Flood Disaster Protection Act of 1973. On issuance of this supplement to REA Bulletin 114-2:414-1, Appendix A to Part 1701 will be revised accordingly.

Persons interested in the provisions of the proposed supplement, may submit written data, views or comments to the Director, Office of Program Development and Analysis, Room 4314, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, by January 15, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director, Office of Program Development and Analysis, during regular business hours.

The proposed supplement to REA Bulletin 114-2:414-1 is as follows:

To: All REA Electric and Telephone Borrowers.

From: Administrator,
Subject: Flood Disaster Protection Act of 1973.

Effective March 2, 1974, the National Flood Insurance Act of 1968, as amended on December 31, 1973, by the Flood Disaster Protection Act of 1973 (P.L. 93-234) prohibits Federal agency assistance, including loans, for acquisition or construction of buildings and equipment therein in areas identified by the Secretary of Housing and Urban Development as having special flood hazards unless the property owner purchases flood insurance to the extent available under the Act.

The Flood Insurance Act also provides that after July 1, 1975, no Federal officer or agency shall approve any financial assistance for acquisition or construction purposes for such facilities unless the community in which the identified flood hazard area is situated is

then participating in the national flood insurance program.

The Act does not apply to electric and telephone lines or to any other REA-financed facilities which are not contained in a building; its application is limited to buildings and their contents. The maximum flood insurance coverage available and required under the Flood Insurance Act is \$200,000 for non-residential buildings and \$200,000 for the contents thereof.

In accordance with the foregoing, section VIII of the REA Bulletin 114-2: 414-1, Minimum Insurance and Fidelity Coverages for Electric and Telephone Borrowers, is revised by renumbering paragraphs G and H as H and I, respectively, and by adding a new paragraph G, as follows:

G. *Flood Insurance:* Borrowers shall purchase and maintain flood insurance for buildings in flood hazard areas to the extent available and required under the National Flood Insurance Act of 1968, as amended by the Flood Disaster Protection Act of 1973 (P.L. 93-234). The insurance should cover, in addition to the building, any machinery, equipment, fixtures and furnishings contained in the building.

The National Flood Insurance Program provides for a Standard Flood Insurance policy; however, other existing insurance policies which provide flood coverages may be used in lieu of the Standard Flood Insurance policy. Such policies, in order to satisfy the insurance requirements of Section 102 of the Flood Disaster Protection Act of 1973, should be endorsed to provide the following:

(1) The policy requires that the insurer give 30 days written notice of cancellation or non-renewal to the insured with respect to the flood insurance coverage. To be effective, such notice must be mailed to both the insured and the lender or Federal agency and must include information as to the availability of flood insurance coverage under the National Flood Insurance Program, and

(2) The policy guarantees that the flood insurance coverage offered by the insurer is at least as broad as the coverage offered by the Standard Flood Insurance Policy.

Dated: December 18, 1974.

DAVID A. HAMIL,
Administrator.

[FR Doc.74-30056 Filed 12-24-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

FOREIGN LANGUAGE REQUIREMENTS

Proposed Exemptions

The Commissioner of Food and Drugs has received a petition on behalf of The Dickinson Family, Inc., of Portland, OR, proposing that 21 CFR § 1.1c be amended to provide that paragraph (c) (2) and (3) of 21 CFR 1.9 "shall not apply to labels or labeling on individual serving-size packages of foods for use in restaurants, institutions and passenger carriers," provided that such packages contain no more than 1½ ounces net weight of product, are served with meals, and are not individually sold at retail. Section 1.9(c) now requires that if the label or labeling of a food bears any representation in a foreign language, all words, statements, and other information required by or under authority of the

Federal Food, Drug, and Cosmetic Act shall appear therein in the foreign language. The intent of the petitioner's proposal is to permit a small individual serving-size package, if fully labeled in English in compliance with all legal requirements, also to state the name of the food in one or more foreign languages without necessitating additional labeling in the foreign language(s).

Grounds given in support of the petitioner's proposal are as follows:

(a) It is desirable, for the convenience of foreign visitors to the United States, to print the name of the product on its portion control packaged jams, jellies and preserves in the language of the foreign visitor. Such printing will also increase the feelings of good will felt by such visitors toward the United States.

(b) It is effectively impossible to conform to regulations 21 CFR 1.9(c) (2) and 21 CFR 1.9(c) (3) in more than one language on the size of package involved.

(c) The policy of Congress, as expressed in section 2 of the Fair Packaging and Labeling Act, is not hindered by the proposed exemption; the products involved are not subject to comparison and choice by the ultimate consumer, whose only choice is flavor, not price, quantity or quality. Indeed, most foods served as part of prepared meals are not labeled at all.

(d) The result of the exemption would be to increase, not decrease, the information contained on the labels involved. The proposed exemption will only allow the printing of additional information in foreign languages; it will not allow the deletion of any otherwise required information.

The Commissioner has considered the petition and concludes that the proposed exemption should be published for comment. However, the terms employed in the petitioner's proposed regulation would not limit the exemption to label declaration of the name of the product in the foreign languages, as discussed in the petition. The Commissioner therefore proposes to amend the regulations in a manner which will reflect clearly the limited scope of the exemption. To accomplish this, the Commissioner proposes to amend § 1.9 rather than § 1.1c as proposed by the petitioner.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701, 52 Stat. 1040-1042 as amended, 1047-1048 as amended, 1055-1056 as amended; 21 U.S.C. 321, 343, 371) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that § 1.9 be amended by revising paragraph (c) (2) and (3) to read as follows:

§ 1.9 Food; labeling; prominence of required statements.

(c)

(2) If the label contains any representation in a foreign language, all words, statements, and other information required by or under authority of the act to appear on the label shall appear thereon in the foreign language:

Provided, however, That individual serving-sized packages of foods containing no more than 1½ avoirdupois ounces or no more than 1½ fluid ounces served with meals in restaurants, institutions, and passenger carriers and not intended for sale at retail are exempt from the requirements of this paragraph (c) (2), if the only representation in the foreign language(s) is the name of the food.

(3) If any article of labeling (other than a label) contains any representation in a foreign language, all words, statements, and other information required by or under authority of the act to appear on the label or labeling shall appear on such article of labeling.

Interested persons may, on or before February 24, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: December 18, 1974.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc.74-30052 Filed 12-24-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

[FRL 313-1]

PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2,4-D; Proposed Tolerance

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NY 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Oregon, Arkansas, Virginia, New York, Michigan, Maryland, Connecticut, and West Virginia, submitted a petition (PP 5E1544) proposing establishment of a tolerance for residues of 2,4-D (2,4-dichlorophenoxyacetic acid) from application of its alkanolamine salts (of the ethanol and isopropanol series) in or on strawberries at 0.05 part per million.

Based on consideration given data submitted in the petition and other relevant materials, it is concluded that:

1. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a) (3) applies.

2. The proposed tolerance will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a (e)), it is proposed that § 180.142 be amended by adding a new paragraph after the proposed paragraph (d) as follows:

§ 180.142 2,4-D; tolerances for residues.

* * * * *

(e) A tolerance of 0.05 part per million is established for residues of 2,4-D (2,4-dichlorophenoxyacetic acid) from application of its alkanolamine salts (of the ethanol and isopropanol series) in or on strawberries.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before January 27, 1975, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments with reference to this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 421 East Tower, 401 M Street, SW., Washington D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Environmental Protection Agency and others interested in inspecting the documents. The comments must be received on or before January 27, 1975 and should bear a notation indicating the subject. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: December 19, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-30138 Filed 12-24-74;8:45 am]

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The tracts described contain approximately 269.6 acres.

JOHN T. WASSERBURGER,
*Chief, Division of
Technical Services.*

[FR Doc.74-30099 Filed 12-24-74;8:45 am]

OUTER CONTINENTAL SHELF OIL AND GAS LEASING

Rescheduling of Public Hearings Regarding Proposed Increase in OCS Leasing

In the FEDERAL REGISTER of October 18, 1974 (39 FR 37222), the Department announced the availability of a draft environmental impact statement and notice of public hearings in mid-November regarding a proposed acceleration of oil and gas leasing on the Outer Continental Shelf.

In order to provide additional time for review of the draft impact statement, the Department rescheduled the hearings to early December (39 FR 39297). On November 25, 1974, Secretary Morton postponed the hearings for an additional sixty (60) days to early February 1975.

Notice is hereby given that the new dates and locations for the public hearings on this proposal are as follows:

ANCHORAGE, ALASKA

February 3 and 4 (Monday, Tuesday):
Captain Cook Hotel—Mid Deck
Fifth and K Streets
Anchorage, Alaska 99501

LOS ANGELES AREA

February 6, 7, and 8 (Thursday, Friday, Saturday)
Anahelm Convention Center—Garden Grove Room
800 West Katella Avenue
Anaheim, California 92802

TRENTON, NEW JERSEY

February 11, 12, and 13 (Tuesday, Wednesday, Thursday)
Holiday Inn
240 West State Street
Trenton, New Jersey 08608

All hearings will begin promptly at 9 a.m., local time, on the scheduled days. Every effort will be made to receive as much testimony as possible on the first day of each hearing.

Interested individuals, representatives of organizations and public officials wishing to testify at the hearings are requested to contact the Director (732), Bureau of Land Management, U.S. Department of the Interior, Washington, D.C. 20240 by 4:15 p.m. e.s.t., January 22, 1975. They should specifically indicate in which of the above three cities they would like to testify. Anyone who registered for previously scheduled hearings is requested to register again.

The public hearings are for the express purpose of receiving information, views, comments, and suggestions relating to a proposed increase in oil and gas leasing of submerged lands on the OCS, particularly the environmental effects of the proposed action. The hearings provide the Department with the opportunity to receive comments from public and private sectors in order to fully

evaluate the potential effects of such leasing on the total environment, domestic supply of the mineral resources, aquatic resources, aesthetics, recreation, and other resources in affected areas during the development and operational phases of the proposed leasing program. The hearings' format is designed to receive information and is not to exchange views on the proposed leasing program.

Written comments from those unable to attend the hearings should be addressed to the Director (Attn: 732), Bureau of Land Management, U.S. Department of the Interior, Washington, D.C. 20240. The Department will accept written testimony and comments on the draft environmental statement until February 24, 1975. This should allow ample time for those unable to testify at the hearings to make their views known and for the submission of supplemental materials by those presenting oral testimony. Time limitations make it necessary to limit the length of oral presentations to ten minutes. An oral statement may be supplemented, however, by a more complete written statement which may be submitted to the hearing officer at the time of presentation of the oral statement. Written statements presented in person at the hearings will be considered for inclusion in the hearing record. To the extent that time is available after presentations of oral statements by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

After all testimony and comments have been received and analyzed a final environmental statement will be prepared.

CURT BERKLUND,
*Assistant Director, Bureau of
Land Management.*

Approved: December 20, 1974.

ROYSTON C. HUGHES,
Secretary of the Interior.

[FR Doc.74-30145 Filed 12-24-74;8:45 am]

[Wyoming 48896]

WYOMING Application

DECEMBER 18, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Phillips Petroleum Company has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 54 N., R. 74 W.,
Sec. 19, SW $\frac{1}{4}$;
Sec. 30, N $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 54 N., R. 75 W.,
Sec. 24, NE $\frac{1}{4}$ SE $\frac{1}{4}$.

The pipeline will convey natural gas across 3,912 feet of national resource lands in Campbell County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 2834, Casper, Wyoming 82601.

ALMA LUNDBERG,
*Acting Chief, Branch of
Lands and Minerals Operations.*

[FR Doc.74-30100 Filed 12-24-74;8:45 am]

[Wyoming 48885]

WYOMING Application

DECEMBER 16, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 26 N., R. 113 W.,
Sec. 14, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
T. 28 N., R. 114 W.,
Sec. 8, lots 18 and 19;
Sec. 9, S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 10, S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 11, S $\frac{1}{2}$ S $\frac{1}{2}$.

The pipeline will convey natural gas across 3,494 miles of national resource lands in Lincoln and Sublette Counties, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1860, Rock Springs, Wyoming 82901.

ALMA LUNDBERG,
*Acting Chief, Branch of
Lands and Minerals Operations.*

[FR Doc.74-30101 Filed 12-24-74;8:45 am]

National Park Service EMERY C. KOLB

Intention to Extend Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on or before January 27, 1975, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Emery C. Kolb, authorizing him to operate a motion picture, lecture, and photographic studio for the public on the South Rim of Grand Canyon National Park, Arizona, for a period of one (1) year from January 1, 1975, through December 31, 1975.

The foregoing concessioner has performed his obligation under the expired contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a

new contract. In addition, he has a lifetime right to full possession of the property used in the operation. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before January 27, 1975.

Interested parties should contact the Assistant Director, Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: December 18, 1974.

RICHARDS M. MARKS,
Acting Associate Director,
National Park Service.

[FR Doc 74-30083 Filed 12-24-74; 8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business
Administration

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. II, 1972), notice is hereby given that a meeting of the Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee will be held Tuesday, January 28, 1975, at 9:30 a.m., in Room 5230, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Committee and its Subcommittee were established to advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Subcommittee meeting agenda has six parts:

GENERAL SESSION

- (1) Opening remarks by the Subcommittee Chairman, Hugh P. Donaghue.
- (2) Presentation of papers or comments by the public.
- (3) Discussion of the functions of the Operating Committee (OEA) in Scheduling and Processing License Applications.
- (4) Discussion of the function of the State Department as it relates to COCOM.
- (5) Discussion of the function of Department of Defense in Processing both U.S. and foreign cases.

EXECUTIVE SESSION

- (6) Discussion of classified material dealing with subject matter listed in Items 3, 4 and 5.

The public will be permitted to attend the General Session, at which a limited number of seats will be available to the public. To the extent time permits mem-

bers of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (6), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 16, 1974, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b) (1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. (A copy of the determination follows this notice.) All Subcommittee members have appropriate security clearances.

Minutes of the open portion of the meeting will be available upon written request addressed to the Central Reference and Records Inspection Facility, Room 7043, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact the Subcommittee Chairman, Mr. Hugh P. Donaghue, Control Data Corporation, 2000 L Street, NW., Washington, D.C. 20036, telephone: A/C 202/290-0200.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al.*, of September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the meetings of the Computer Systems Technical Advisory Committee and subcommittees thereof, is hereby published.¹

Dated: December 19, 1974.

RAUER H. MEYER,
Acting Director, Bureau of
East-West Trade, U.S. Department of Commerce.

[FR Doc 74-30081 Filed 12-24-74; 8:45 am]

Maritime Administration

SS CANADA MAIL

Amendment of Invitation for Sealed Bids for the Bareboat Charter of the Vessel

Notice is hereby given that Invitation for Bids No. 1, dated November 26, 1974, inviting sealed bids for the bareboat charter of the SS CANADA MAIL, Official No. 297579, notice of which was published in the Federal Register on December 6, 1974 (39 FR 42703), has been amended by Addendum No. 1, dated December 19, 1974, so as to extend the time for the receipt of bids from December 27, 1974, to 11 a.m. e.s.t., January 21, 1975, and to provide for public opening of such

¹ Determination filed as part of the original document.

bids at 11:30 a.m., e.s.t. on said date at the office of the Maritime Administration, Room 3708, Commerce Building, 14th Street between E and Constitution Avenue, NW., Washington, D.C., 20230.

Dated: December 19, 1974.

By Order of the Assistant Secretary of
Commerce for Maritime Affairs.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc 74-30142 Filed 12-24-74; 8:45 am]

National Oceanic and Atmospheric Administration

BLAIR IRVINE

Issuance of Permit for Marine Mammals

On September 4, 1974, notice was published in the Federal Register (39 FR 32044) that an application had been filed with the National Marine Fisheries Service by Mr. Blair Irvine, Department of Zoology, University of Florida, Gainesville, Florida 32611 to take, tag and release up to 250 Atlantic bottlenosed dolphins (*Tursiops truncatus*) and an unspecified number of stranded cetaceans for the purpose of scientific research.

Notice is hereby given that on December 17, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit to Blair Irvine, subject to certain conditions set forth therein. The Permit authorizes the taking, tagging and releasing of 250 bottlenosed dolphins and up to 200 stranded animals of other cetacean species, which are not listed as endangered under the provisions of the Endangered Species Act of 1973. The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and in the Office of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

Dated: December 17, 1974.

JACK W. GEBLINGER,
Acting Director,
National Marine Fisheries Service.

[FR Doc 74-30114 Filed 12-24-74; 8:45 am]

LOUIS SCARPUZZI ENTERPRISES, INC.

Issuance of Permit for Marine Mammals

On September 17, 1974, notice was published in the Federal Register (39 FR 33385), that an application had been filed with the National Marine Fisheries Service by Louis Scarpuzzi Enterprises, Inc., 339 Riverside Drive, Fort Myers, Florida 33905, for a permit to take four Atlantic bottlenosed dolphins (*Tursiops truncatus*) for the purpose of public display.

Notice is hereby given that, on December 17, 1974, and as authorized by the

provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a permit for two bottlenosed dolphins to Louis Scarpuzzi Enterprises, Inc., subject to certain conditions set forth therein. This Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and in the Office of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

Dated: December 17, 1974.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.
[FR Doc.74-30113 Filed 12-24-74;8:45 am]

**WILLIAM E. SCHEVILL AND
WILLIAM A. WATKINS**

Issuance of Permit for Marine Mammals

On September 4, 1974, notice was published in the FEDERAL REGISTER (39 FR 32045), that an application had been filed with the National Marine Fisheries Service by William E. Schevill and William A. Watkins, Woods Hole Oceanographic Institution, Woods Hole, Massachusetts 02543 to take, by marking, up to 24 marine mammals for scientific research.

Notice is hereby given that on December 12, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above mentioned taking to William E. Schevill and William A. Watkins, subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, in the Offices of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702, the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, and the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: December 12, 1974.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.
[FR Doc.74-30115 Filed 12-24-74;8:45 am]

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Office of Education

COLLEGE LIBRARY RESOURCES PROGRAM
Closing Date for Receipt of Applications for
Basic Grants for Library Materials

Notice is hereby given that pursuant to the authority contained in sections

201-208 of Title II, Part A of the Higher Education Act of 1965, as amended (20 U.S.C. 1021-1028), applications for basic grants under the College Library Resources Program are being accepted from institutions of higher education and other public and private nonprofit library agencies whose primary function is to provide library and information services to institutions of higher education. Processing of these applications will be subject to the availability of funds.

Applications must be received by the U.S. Office of Education on or before January 29, 1975.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.406. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commission will rely on the time-date stamp of such mail rooms or other documentary evidence or receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Information and application forms will be sent to all institutions which have previously participated in the program. Other institutions desiring to participate may obtain information and application forms from the Division of Library Programs, Bureau of Postsecondary Education, U.S. Office of Education, Washington, D.C. 20202, ATTN: Library Education and Postsecondary Resources Unit (13.406).

D. *Applicable regulations and criteria.* Awards will be made under the regulations for the College Library Resources Program published in the FEDERAL REGISTER on November 18, 1974 at 39 FR 40494 (45 CFR Part 131) and also under the Office of Education General Provisions Regulations published in the FEDERAL REGISTER on November 6, 1973 at 38 FR 30654 (45 CFR Parts 100 and

100a). Because of the mandatory nature of the legislation pertaining to the basic grants, there are no applicable criteria for the awarding of these grants.

(20 U.S.C. 1021-1028)

(Catalog of Federal Domestic Assistance Number 13.406; College Library Resources Program)

Dated: December 17, 1974.

T. H. BELL,
U.S. Commissioner of Education.
[FR Doc.74-30015 Filed 12-24-74;8:45 am]

**LIBRARY RESEARCH AND
DEMONSTRATION PROGRAM**

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in sections 201, 221, and 223 of Title II, Part B of the Higher Education Act of 1965, as amended (20 U.S.C. 1021, 1031, and 1034), applications are being accepted from institutions of higher education and other public or private agencies, institutions and organizations for research and demonstration projects relating to the improvement of libraries or the improvement of the training in librarianship. Processing of these applications will be subject to the availability of funds.

Applications must be received by the U.S. Office of Education, Application Control Center, on or before January 29, 1975.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.475.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:30 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal Holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. Program information and forms. Information and application forms may be obtained from the Division of Library Programs, Bureau of Postsecondary Education, Office of Education, Rm. 5909, 7th and D Streets, SW., Washington, D.C. 20202. ATTN: Library Research and Demonstration Program.

D. Applicable regulations. The regulations applicable to this program with funding criteria as Appendix A thereto were published in the FEDERAL REGISTER on May 17, 1974, 39 FR 17546 (45 CFR Part 133). This program is also subject to the Office of Education General Provisions Regulations (particularly CFR Parts 100 and 100a) published in the FEDERAL REGISTER on November 6, 1973, at 38 FR 30654 (20 U.S.C. 1021, 1031, 1033).

(Catalog of Federal Domestic Assistance Number 13.475, Library Research and Demonstration)

Dated: December 17, 1974.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc. 74-30016 Filed 12-24-74; 8:45 am]

LIBRARY TRAINING PROGRAM

Closing Date for Receipt of Applications for Training in Librarianship

Notice is hereby given that pursuant to the authority contained in sections 201, 221, and 222 of Title II, Part B of the Higher Education Act of 1965, as amended (20 U.S.C. 1021, 1031, and 1033), applications are being accepted from institutions of higher education and library organizations and agencies for grants under the Library Training Program for institutes, fellowships, and traineeships. Processing of these applications will be subject to the availability of funds.

Applications for new library training grants and for continuations of existing grants must be received by the U.S. Office of Education, Application Control Center on or before January 29, 1975.

A. Applications sent by mail. An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.468. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Com-

missioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. Hand delivered applications. An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C., time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. Program information and forms. Information and application forms will be sent to all institutions which have previously participated in the program. Other institutions and library organizations and agencies desiring to participate may obtain information and application forms from the Division of Library Programs, Bureau of Postsecondary Education, U.S. Office of Education, Washington, D.C. 20202, ATTN: Library Education and Postsecondary Resources Unit (13.468).

D. Applicable regulations and criteria. Awards under this program will be subject to the Office of Education General Provisions published on November 6, 1973 at 38 FR 30654 (45 CFR 100a) and the program regulations and criteria for the Library Training Program published on May 17, 1974 at 39 FR 17540.

(20 U.S.C. 1021, 1031, and 1033)

(Catalog of Federal Domestic Assistance Number 13.468; Library Training Program)

Dated: December 17, 1974.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc. 74-30017 Filed 12-24-74; 8:45 am]

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION (LEGISLATIVE COMMITTEE)

Notice of Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), that the next meeting of the National Advisory Council on Indian Education (Legislative Committee) will be held on January 17, 1975, 9 a.m.-5 p.m. and January 18, 1975, 9 a.m.-5 p.m. at the Executive Tower Inn, 1405 Curtis, Denver, Colorado 80202.

The National Advisory Council on Indian Education is established under section 401 of the Indian Education Act (P.L. 92-318, Title IV). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matter arising in the administration of this title, including policies and procedures governing the approval of State plans under Section 318 and policies to eliminating duplication, and to effectuate the coordination of programs under this title and other programs offering Indian Education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other federal laws relating to Indian Education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The proposed agenda includes:

1. Drafting of a master plan for the future of Indian Education.
2. Identifying major issues in Indian Education.
3. Planning a systematic approach for change and its implementation.

This meeting is open to the public. Records shall be kept of all Council proceedings (and shall be available for public inspection at the office of the National Advisory Council on Indian Education located at 425 13th St. NW., Room 326, Washington, D.C. 20004).

Signed at Washington, D.C. on December 17, 1974.

DWIGHT A. BILLEDEAUX,
Executive Director, National
Advisory Council on Indian
Education.

[FR Doc. 74-30010 Filed 12-24-74; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

NATIONAL ADVISORY COMMITTEE ON UNIFORM TRAFFIC CONTROL DEVICES

Open Meeting

Pursuant to Executive Order 11671, the Federal Highway Administration announces the meeting dates and relevant information for the Annual Meeting of the National Advisory Committee on Uniform Traffic Control Devices. The meeting will be held January 10-11, 1975, at the Sheraton Park Hotel, Washington, D.C. The full Committee will convene at 8:30 a.m., January 11 with Subcommittee working sessions scheduled for Friday, January 10.

For further information contact the Office of Traffic Operations, Federal Highway Administration, 400 7th Street SW., Washington, D.C. Code 202/426-0411. Attendance by the public will be limited to space available.

Purpose—This Committee reviews currently approved standards, guides, and warrants for traffic control devices contained in the Manual on Uniform Traffic Control Devices, the national standard for all classes of highways. Recommendations on revisions and proposed new standards to meet new developments and improvements are developed as needed.

The Committee makes studies, conducts investigations, prepares reports, develops recommendations and advice to assist the Federal Highway Administrator in developing appropriate standards as authorized in 23 U.S.C. 109(d) and 402(a).

Agenda—Agenda items will include reports of the chairmen of the technical

subcommittees on signs, signals, pavement markings, traffic controls for construction and maintenance areas, and bicycle facilities. Recommendations from the subcommittees for proposed additions to or revisions in current traffic control device standards will be discussed and action taken relative to providing advice to the Federal Highway Administration on these matters.

DAVID M. BALDWIN,
Acting Director, Office of Traffic Operations, Federal Highway Administration.

[FR Doc.74-30120 Filed 12-24-74;8:45 am]

CIVIL SERVICE COMMISSION

MANUAL ON FUND-RAISING WITHIN THE FEDERAL SERVICE

Proposed Changes

Notice is hereby given that under authority of Executive Order 10927 it is proposed to amend the Manual on Fund-Raising Within the Federal Service. Interested agencies and persons may submit written comments and suggestions to the Office of the Chairman, Washington, D.C. 20415, to be received by January 15, 1975. The proposed revisions are included in the material set out below.

Dated: December 20, 1974.

UNITED STATES CIVIL SERVICE COMMISSION,
IRVING KATOR,
Assistant to the Chairman.

MANUAL ON FUND-RAISING WITHIN THE FEDERAL SERVICE FOR VOLUNTARY HEALTH AND WELFARE AGENCIES

CHAPTER 3—CAMPAIGN ARRANGEMENTS FOR VOLUNTARY AGENCIES

3.4 Definition of Terms Used in Federal Arrangements.

43 Federated Community. A location within the domestic area where a federated fund-raising program is operated by national and local voluntary agencies through a community chest, united way, or other local federated group which is a member in good standing of, or is recognized by, the United Way of America, and which meets the nondiscrimination requirements prescribed in Chapter 7 and the requirements for the adoption and use of the Uniform Standards of Accounting and Financial Reporting. In addition, to be eligible the local united way must through its board and committee membership be broadly representative of the social and economic characteristics of the community and must through its support of member agencies demonstrate that it is meeting community needs.

Requirements for participation in a local united way must be in writing and available to the public, must be reasonable, and must be applied fairly and uniformly to all local agencies requesting participation. An appeals procedure which will provide for an independent review must be provided for local agencies denied participation by the local united way.

(NOTE.—Where a local chapter or affiliate of a national agency precluded from independent participation in the Federal fund-

raising program because the agency is supported primarily through united ways or funds is not approved for participation by a local united way or fund, such chapter or affiliate may request the Civil Service Commission to review the reasons for its non-approval.)

3.5 Policies Governing Federal Arrangements.

.55 Federated Campaigns. .551 Authorization.

If a member agency does not meet the accounting and financial reporting requirements, it shall not be permitted to solicit contributions from Federal personnel in the local area. Failure will not affect the right of the fund or other member agencies which meet such requirements to solicit. Failure of a member agency, however, to meet the nondiscrimination requirements disqualifies the fund from soliciting contributions. If the local fund or chest does not meet these requirements, or where the fund is disqualified from soliciting contributions, the local area becomes a nonfederated community for purposes of fund raising and solicitations will be coordinated in accordance with Section 3.561 of the Manual. (For additional information on nondiscrimination requirements, see Chapter 7.)

CHAPTER 5—ELIGIBILITY REQUIREMENTS FOR NATIONAL VOLUNTARY AGENCIES

5.1 Purpose. These eligibility requirements are established to insure that:

- Only responsible and worthy voluntary agencies are permitted to solicit on the job in Federal installations,
- The funds contributed by Federal personnel will be used effectively for the announced purposes of the soliciting agency, and
- All recognized national agencies have field organizations capable of participating equitably in the joint campaign arrangements required by the Federal program.

5.2 General Requirements.

5.1 Type of Agency. Only nonprofit, tax-exempt agencies, supported by voluntary contributions from the general public, providing direct services to persons in the fields of health and welfare services, or in the provision of international services consistent with the policies of the United States Government are eligible for approval. Agencies which are supported primarily through united ways and community chests will not be recognized for participation in the Federal fund-raising program except with respect to nonfederated communities and the overseas area. Such agencies may be eligible for participation in the overseas fund-raising program only if they provide a specific service to persons overseas and meet all other eligibility requirements. Those national agencies not receiving primary support from local united ways must meet all eligibility requirements in order to participate in the domestic and overseas campaigns.

5.2 Integrity of Operations. Only agencies having a high degree of integrity and responsibility in the conduct of their affairs will be approved. Funds contributed to such organizations by Federal personnel must be used effectively for the announced purposes of the agency.

5.3 Avoidance of Competition. To avoid solicitation competition, approval will not be granted to more than one national health agency within a single field which deals with physical handicap or disease, or if an inter-

national service agency, to more than one agency meeting a particular human need in the same geographic area, unless there is a demonstrated need for such additional service.

5.4 National Scope. The agency must demonstrate that:

a. It is organized on a national scale with a national association which is representative of its constituent parts and which, through its board of directors, exercises close supervision over the operations and fund-raising policy of any local chapters or affiliates.

b. It has earned good will and acceptability throughout the United States, particularly in cities or communities within which or nearby are Federal offices or installations with large numbers of personnel.

Good will and acceptability will usually be shown by operating chapters providing service in all or most of the states, with contributor support from all or most parts of the nation. Good will and acceptability throughout the United States will also be demonstrated by other means, such as the extent of support received from the public, the number and location of contributors, the national character of campaigning directed to the public, the reputation of the organization on a national basis, and the proportionate effect on total income of the organization's participation in the Federal program. In the case of international agencies, chapter or affiliate coverage in all or most states need not exist.

c. It has enough fund-raising representatives at decentralized locations to be able to enter into full participation with a group of agencies in the conduct of local campaigns throughout the United States.

d. If a national health agency, it has a well-defined national program involving research, education, and community services with sufficiently developed local chapter or affiliate coverage to implement its national program in cities or communities within which or nearby are Federal offices or installations with large numbers of personnel.¹

e. If an international service agency, it has a well-defined program not duplicative of existing programs and which meets basic human needs in an overseas area.

5.5 Type of Campaign. Approval will be granted only for fund-raising campaigns in support of current operations. Capital fund campaigns are not authorized. Agencies must observe the policy and procedural requirements for fund raising in the Federal service.

5.3 Specific Requirements.

5.31 Program. An active and necessary program providing direct services to persons, with particular regard to the welfare of the public and the persons served; evidence of consultation and cooperation with established agencies in the same or related fields; and efficient operations.

5.32 Volunteer Control. Direction of the organization by an active, voluntary board of directors which serves without compensation, holds regular meetings, and exercises effective administrative control.

5.33 Finances. Adoption of the Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations and maintenance of a financial system which includes accounting procedures acceptable to an independent certified public accountant. Conduct of fiscal operations in accordance

¹ While a national health agency may meet eligibility requirements, local chapters, in order to participate in the local fund-raising program, must provide a direct and meaningful service in the area (county) in which the campaign is being conducted (see Section 3.572b and Section 4.2b).

with a detailed annual budget, prepared and approved at the beginning of the year by the board of directors with prior authorization by the board of any significant variations from the approved budget.

34 Administrative and Fund-Raising Expense. Administrative and fund-raising expenses which are reasonable. Expenditure for administration and fund raising not exceeding 25% of total support and revenue will be considered reasonable. Where administrative and fund-raising expense exceeds this percentage, the burden is on the voluntary organization to demonstrate the reasonableness of its fund-raising expenses under all the circumstances in its case.

35 Fund-Raising Practice. Publicity and promotional activities based upon the actual program and operations of the agency and which is truthful and nondeceptive and which includes all material facts; protection afforded against unauthorized use of agency contributors' lists; no payment of commissions, kickbacks, finder fees, percentages, bonuses, or overrides for fund raising; no mailing of unordered tickets or commercial merchandise with a request for money in return; and no general telephone solicitation of the public.

36 Nondiscrimination. A policy and practice of nondiscrimination on the basis of race, religion, ethnic origin, or sex, applicable to persons served by the agency, to agency staff employment, and to membership on the agency's governing board, as prescribed in Chapter 7. Organizations which are organized along religious lines or which are organized to serve persons of a particular sex may nevertheless meet eligibility requirements if a bona fide purpose for organizing along religious lines or for service directed to persons of a particular sex can be shown.

37 Annual Report. Preparation of an annual report to the general public which includes a full description of the agency's activities and accomplishments and the names of chief administrative personnel.

38 Financial Reports. Preparation of a consolidated annual financial report to the general public in accordance with the Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations and certification of such report by an independent certified public accountant.

39 Independent Audit. Completion on an annual basis of an external audit by an independent certified public accountant.

40 Source of Funds and Costs Report. Filing of special report with Chairman of the Civil Service Commission which discloses on a consolidated basis the agency's (including its chapters and affiliates) sources of funds, fund-raising expense, and use of net funds in its most recent fiscal year.

5.4 Application Requirements.

41 Exemptions. The American National Red Cross and local community chests or united ways which are members in good standing of, or are recognized by, the United Way of America are exempt from these application requirements except for the nondiscrimination requirements of paragraph 5.46h and the accounting and financial reporting

requirements of paragraphs 5.46f and 5.46j. In addition, the United Way of America as a national organization must conform in its financial reporting to the Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations. For purposes of this section, the American National Red Cross and its chapters are recognized as operating an accounting and financial system in substantial compliance with the Uniform Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations and certification to this effect by local chapters is not required. Local Red Cross chapters are required to furnish nondiscrimination assurances, as required by Section 7.4 of Chapter 7.

42 Annual Applications. To be considered for solicitation privileges in domestic or overseas campaigns in the Federal service, each national voluntary agency must file application annually. National voluntary agencies which have already been approved for fund-raising privileges in the Federal service are not required to submit the information requested in sections 5.46 a, b, c, d, and h, except where there has been a substantial or significant change in these items; for example, a change in purpose of the organization or a decline in chapter coverage or activity. They are required to furnish information asked for in sections 5.46 e, f, g, i, j, k, l, and m.

43 Time and Place of Filing. Application is filed with the Office of the Chairman, U.S. Civil Service Commission, Washington, D.C. 20416 and must be postmarked on or before February 1. Applicants are urged to file as early as possible.

44 Eligibility Decisions. Decisions as to eligibility are made by the Chairman, U.S. Civil Service Commission, with the assistance of an eligibility committee of government officials and employee organization leaders, and are based upon the information filed with the agency's application and derived from other responsible sources.

45 Notice of Decision. Applicants are notified of the decisions on their applications as soon as possible after filing. If dissatisfied with the Chairman's decision, the applicants have the opportunity to request a personal appearance before the Chairman's representative or a review of the decision by such official without a personal appearance.

46 Form and Content of Application. Applications shall be filed in the following form, with the information, documents and data specified:

a. *Corporate Name and Fiscal Year.*

b. *Origin, Purpose and Structure of Organization.* Furnish information to show agency meets the General Requirements stated in Section 5.2. Applications limited to overseas campaign privileges only will be considered under modified requirements for paragraphs 5.24 c and d.

c. *Chapters, Affiliates or Representatives.* Furnish a list of chapters, affiliates or representatives arranged in alphabetical order by state and, under the state, by cities with chapter, affiliate or representative by names and addresses.

d. *National Scope* (sec. 5.24). Demonstrate the good will and acceptability of the organization throughout the United States.

e. *Program* (sec. 5.31). Outline the program. List the names of other national voluntary agencies which offer similar services covering the whole or a part of the same field of activity and state past and current relationships with such agencies.

f. *Volunteer Control* (sec. 5.32). Describe board of directors' administrative activity in past year and list board members' names, addresses and businesses or professions.

g. *Finances* (sec. 5.33). Furnish certification by an independent certified public accountant of compliance with an acceptable financial system and adoption of the Uniform Standards.

h. *Fund-Raising Practice* (sec. 5.35). State compliance with all factors.

i. *Nondiscrimination* (sec. 5.36). Furnish written assurance of racial nondiscrimination as prescribed by Chapter 7. If applicant has filed satisfactory nondiscrimination assurance and has maintained such nondiscriminatory policy or practice without substantial change, further assurance is not required in applications for renewal of recognition.

j. *Annual Report* (sec. 5.37). Furnish copy of latest annual report.

k. *Financial Report* (sec. 5.38). Furnish copy of latest financial report prepared in accordance with the Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations and certification by an independent certified public accountant that the report was prepared in conformity with the "Standards."

l. *Independent Audit* (sec. 5.39). Furnish copy of latest external audit by an independent certified public accountant.

m. *Source of Funds and Costs Report* (sec. 5.40). Furnish a special report with the Chairman of the Civil Service Commission consistent with the reporting requirements of the Standards referred to in section 5.38 which discloses the agency's sources of funds, expenditures by program service and supporting services, separately identifying fund-raising and other expenditures. The report must cover the most recent fiscal year and represent a consolidated statement of national and affiliate income and expenditures. The amount of contributions received from united funds or community chests, from Federal service campaigns, and the total from other sources must be separately identified and shown as a percent of total contributions. Report should be furnished in accordance with the format shown in the attachment to this Chapter.

5.5 Public Announcement of Recognized Agencies and Assigned Periods. The Chairman of the Civil Service Commission issues a bulletin in the spring of each year to announce the names of all voluntary agencies recognized for the ensuing fiscal year and to specify the periods assigned for their solicitations within the Federal service.

CHAPTER 5—ELIGIBILITY REQUIREMENTS FOR NATIONAL VOLUNTARY AGENCIES

ATTACHMENT A

(Agency)

CONSOLIDATED SOURCE OF FUNDS AND COSTS REPORT
(Including Chapters and Affiliates)(For the year ending)
(date)

Support from the Public:

Received Directly:

	Amount	Percent of Income
Contributions.....
Special Events (less related expenses of \$.....)
Subtotal.....

Received Indirectly:

United Funds and/or Community Chests.....	.....	.....
Federal Service Campaigns.....	.....	.....
Other Contributions.....	.....	.....
Subtotal.....	.....	.....

Total Support from the Public.....

Miscellaneous Revenue:

Government Grants (including grants-in-kind).....	.....	.....
Service Fees, Literature Sales, etc.....	.....	.....
Gain from the Sale of Products.....	.....	.....
Memberships.....	.....	.....
Investment Income.....	.....	.....
Other Income.....	.....	.....
Total Miscellaneous Revenue.....	.....	.....

TOTAL SUPPORT AND REVENUE..... 100

Expenditures:

Program Services:

	Amount	Percent of Expenditure
(Category).....
(Category).....
(Category).....
(Category).....
Subtotal.....

Supporting Services:

Management and general.....	.....	.....
Fund Raising.....	.....	.....
Subtotal.....	.....	.....

TOTAL EXPENDITURES..... 100
EXCESS OF REVENUE OVER EXPENDITURES—\$.....CHAPTER 7—NONDISCRIMINATION
REQUIREMENTS

7.1 Nondiscrimination Standard. Voluntary agencies recognized for fund-raising privileges within the Federal service must operate without discrimination and must carry out affirmative programs to assure equal employment opportunity. This policy applies to persons served by the agencies, to the staffs of the agencies and to membership on their governing boards. Operating without discrimination means that:

a. No person is excluded from service because of race, ethnic origin, religion, or sex.

b. There is no segregation of those served on the basis of race, ethnic origin, religion, or sex.

c. There is no discrimination on the basis of race, ethnic origin, religion, or sex, in hiring, assignment, promotion or other conditions of staff employment. In addition, the agency has a written plan for and is undertaking positive action to achieve equal employment opportunity for all persons in the filling of its staff positions. The plan must include elements such as: contacts with appropriate organizations in the community, including minority group and women's organizations, regarding the agency's employ-

ment needs; recruitment advertisements in minority group news media where advertising in the general media is used to fill jobs; identifying the agency as an equal employment opportunity employer in recruitment advertisements; and the use for job referral purposes of only those employment agencies which do not discriminate on the basis of race, ethnic origin, religion or sex in making referrals.

d. There is no discrimination on the basis of race, ethnic origin, religion or sex in membership on the agency's governing body.

7.2 Exemptions. Exemptions to the above requirements relating to religion or sex may be granted by the Civil Service Commission if a voluntary agency is organized for a bona fide purpose on a religious basis or if its purpose is reasonably related to service of persons of a particular sex.

7.3 Voluntary Agencies Affected. Every national or local voluntary health or welfare agency which solicits contributions from Federal employees or members of the Armed Forces at place of employment or duty station must first provide satisfactory assurance that it follows a policy and practice of racial nondiscrimination. This requirement is applicable to:

a. A local united fund, community chest or other federated fund-raising organization

which is authorized solicitation privileges under the provisions of Manual section 3.55, and each participating member agency;

b. Each member agency of a coordinated solicitation which is authorized solicitation privileges under the provisions of Manual section 3.56;

c. The national office and each state or local chapter of a national voluntary agency which is authorized on-the-job solicitation privileges under the provisions of Manual section 3.57;

d. Each national or local voluntary agency which is authorized solicitation privileges in the overseas area under the provisions of Manual section 3.58; and

e. Each voluntary agency which is authorized off-the-job solicitation privileges under the provisions of Manual section 3.6.

7.4. Assurance Required.

41 Form of assurance. Assurance of non-discrimination shall be in writing and shall consist of:

a. A statement of policy by the agency's governing board (national or local board, as appropriate) covering the elements of non-discrimination listed in the standard,

b. A certification that the agency's practices in fact conform with the standard, and

c. A certification that the national organization and each local chapter has prepared an affirmative action plan to assure equal employment opportunity.

Policy statements and certification shall be sufficiently explicit to assure that the four elements of nondiscrimination listed in the standard are met. While no standard form or format is required, a sample form is shown at the end of this Chapter.

42 Filing procedure.

a. **National level.** A national voluntary agency which is required by the provisions of Manual section 5.4 to file application annually for independent solicitation privileges shall file with the Office of the Chairman, Civil Service Commission, by February 1, satisfactory assurance with respect to the policy and practice of its national organization.

b. Local level.

(1) **United Funds and Chests.** A local united fund, community chest or other federated fund-raising organization shall advise its member agencies of the nondiscrimination requirements and requirement for an affirmative action plan for equal employment opportunity and request each agency to furnish assurance of nondiscrimination in the form prescribed in 41 above. It shall receive such assurances and forward them in a group, with the policy statement and certification of the federated fund-raising organization itself, to the appropriate Federal official in its local campaign area.

(2) **American Red Cross.** Where a local Red Cross chapter participates as an independent agency outside of the local United Way, such chapter must furnish the necessary nondiscrimination certification.

(3) **National Health Agencies.** Each local chapter or affiliate of a national health agency approved for Federal fund-raising privileges shall provide nondiscrimination assurance in proper form to the appropriate local Federal official.

(4) **International Service Agencies.** Each local chapter and affiliate of recognized international service organizations approved for Federal fund-raising privileges must provide satisfactory assurance of nondiscrimination to the appropriate local Federal official. Failure to submit proper certification will bar the local chapter or affiliate from participation in the appropriate local campaign.

43 Recipient of Assurances Filed Locally. Nondiscrimination assurances required to be filed at the local level shall be filed with the

chairman of the appropriate local Federal coordinating group, or in the absence of such organization in the local area, with the head of the local Federal installation having the largest number of civilian and military personnel.

44 Submission of Affirmative Action Plans. National or local voluntary agencies must have available for inspection the affirmative action plan specified in Section 7.1c. On request, these plans must be submitted to appropriate Federal officials who may review the plans and require amendments thereto. Appropriate Federal officials may also request information concerning employment patterns and board membership on the basis of race, ethnic origin, and sex.

45 When Further Assurance is Required. A national or local voluntary agency which has filed satisfactory nondiscrimination assurance and has maintained such nondiscriminatory policy or practice is not required to file further assurance to continue its eligibility for subsequent years unless such further assurance is expressly requested by the appropriate Federal official. This may be required at any time at the option of appropriate Federal officials or as required by the Office of the Chairman, Civil Service Commission.

7.5 Administration by the Federal Government.

51 Responsibility for Administration. The responsibility for administration of the nondiscrimination requirements at the national level is assigned to the Office of the Chairman, Civil Service Commission.

At the local level, each local Federal coordinating group is authorized and responsible for administration of the nondiscrimination requirements in its local area. In the absence of such an organization in the local area (county), the authority and responsibility is assigned to the head of the local Federal installation having the largest number of civilian and military personnel. At their discretion, a local Federal coordinating group may redelegate to an appropriate committee, or the head of a designated local Federal installation may redelegate to a subordinate official, such of the authority assigned in this section as is deemed appropriate.

The heads of Federal offices and installations shall permit the solicitation of employees or military personnel on the job, or "off the job" as defined in Manual section 3.6, only on behalf of such voluntary agencies as have been determined by the responsible Federal coordinating group or official to be qualified under the nondiscrimination standard and related requirements.

52 Acceptance of Nondiscrimination Assurances. The appropriate Federal official in each local area, as designated above, will review nondiscrimination assurances filed with him to determine that they meet the requirements. He will request such additions or amendments as may be needed and recertifications as appear necessary. He will notify the heads of all local Federal offices and installations of his finding with respect to the receipt of satisfactory nondiscrimination assurances from all voluntary agencies which are otherwise eligible to solicit contributions from Federal personnel in the local area. Assurances will be retained as official records in the custody of his office. The responsible local Federal official may request interpretation or advice from the Office of the Chairman, Civil Service Commission, as needed, and may require the submission of affirmative action plans for review.

53 Disqualifications. If a required nondiscrimination assurance is not filed with the appropriate Federal official, or is filed but is determined by him to be unsatisfactory, the voluntary agency concerned shall

not be permitted to solicit contributions from Federal personnel in the local area until satisfactory assurance is received. This is also the case for unsatisfactory affirmative action plans.

In the event a voluntary agency files satisfactory assurance but information is received which raises a question whether the agency's practices in fact meet the standard, the appropriate Federal official shall make such investigation as may be necessary and, after providing the agency an opportunity to present evidence of satisfactory compliance, shall make a determination whether Federal fund-raising privileges in the local area will be granted or withheld from the agency. If a question regarding nondiscrimination practices is raised with respect to a voluntary agency which furnished its assurance to the Civil Service Commission, the appropriate Federal official will forward the question and all available related information to the office of the Chairman, Civil Service Commission, for investigation. Questions concerning a local voluntary agency received by the Civil Service Commission will be sent to local Federal officials for investigation and decision.

If a local united fund, community chest or other federated organization does not itself file the required nondiscrimination assurance, the federated organization shall not be permitted to solicit contributions from Federal personnel in the local area until satisfactory assurance is received. In such event the local area becomes a nonfederated community for purposes of Federal fund raising. Member agencies of the federated organization which individually have met the nondiscrimination requirement will not be allowed to solicit independently. However, they may organize a coordinated collection in accordance with the provision of Manual section 3.56.

54 Nonqualifying Agency Included in a Federated Organization Cancels Federated Organization's Privilege. Failure of one or more member agencies to provide satisfactory evidence of nondiscrimination cancels the federated organization's Federal fund-raising privileges in the local area.

SAMPLE CERTIFICATE²

At a meeting of the governing board of _____ held on _____ the board (name of agency) (date) () adopted a policy () affirmed its policy of nondiscrimination as follows:

1. No person is excluded from service because of race, ethnic origin, religion, or sex.
2. There is no segregation of persons served on the basis of race, ethnic origin, religion, or sex.

3. There is no discrimination on the basis of race, ethnic origin, religion, or sex, with regard to hiring, assignment, promotion or other conditions of staff employment. In addition, the agency has a written plan for positive action to achieve equal employment opportunity for all persons in the filling of its staff positions including elements such as contacts with various organizations in the community, including minority group organizations, regarding the agency's employment needs, recruitment advertisements in minority group news media where advertising in the general media is used to fill jobs, identifying the agency as an equal employment opportunity employer in recruitment advertisements, and the use for job referral

² Certificate may be appropriately modified where exemption has been granted by the Civil Service Commission for agencies organized for bona fide purposes along religious lines or where service is restricted to members of a particular sex.

purposes of only those employment agencies which do not discriminate on the basis of race, ethnic origin, religion, or sex in making referrals.

4. There is no discrimination on the basis of race, ethnic origin, religion, or sex in membership on the agency's governing body. I certify that the practices of this organization conform to the policy of nondiscrimination stated above.

(Date) (President or other authorized official)

[FR Doc.74-30067 Filed 12-24-74; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 303-3; OPP-32000/160]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before February 24, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No

claims will be accepted for possible EPA adjudication which are received after February 24, 1975.

APPLICATIONS RECEIVED

EPA Reg. No. 1730-3. American Cyanamid Co., 859 Berdon Ave., Wayne NJ 07470. PINE SOL CLEANERS DISINFECTS DEODORIZES. Active Ingredients: Pine Oil 30.0%; Isopropanol 10.9%; Soap 10.0%; 4-Chloro-2-Cyclopentylphenol and related compounds 0.1%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34144-G. Andersen Water Engineering Co., 843 W. Monroe St., Chicago IL 60607. CHEMITROL ALGAECIDE M. Active Ingredients: Disodium Cyanodithiolimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1448-LA. Buckman Laboratories, Inc., 1256 N. McLean Blvd., Memphis TN 38108. BL BUSAN 83. Active Ingredients: Potassium N,N-dimethyldithiocarbamate 20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5719-AE. Chacon Chemical Corp., 5245 Chakemco St., South Gate CA 90280. CHACON TOMATO BLOSSOM SPRAY SETS BLOSSOMS REDUCES BLOSSOM AND TOMATO DROP. Active Ingredients: Chlorophenoxy Acetic Acid 0.0042%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7173-RLI. Chempar Chemical Co., Inc., 260 Madison Ave., New York NY 10016. CHEMPAR ROZOL RODENTICIDE MINERAL OIL CONCENTRATE. Active Ingredients: 2-[(p-Chlorophenyl) phenylacetyl]-1,3-indandione 0.28%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 6754-32. Dettelbach Pesticide Corp., 4111 Peachtree Rd., NE, Atlanta GA 30319. PROFESSIONAL MALATHION-50 EMULSIFIABLE LIQUID. Active Ingredients: Malathion 50.0%; Heavy Aromatic Naphtha 37.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2270-370. The Hugo Co., Inc., 7625 Page Ave., St. Louis MO 63133. EXCELICIDE MULTI-PURPOSE RESIDUAL SPRA. Active Ingredients: Petroleum Distillate 83.99%; 2-Butoxyethanol 15.00%; 2-(1-Methylethoxy) phenol methylcarbamate 1.00%; Pyrethrins 0.05%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1109-21. Industrial Chemicals, Div. Cities Service Co., PO Box 50360, Atlanta GA 30302. COPPER SULFATE SNOW CRYSTALS. Active Ingredients: Copper Sulfate (Pentahydrate) 99%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 35135-R. Markay Laboratories, 250 Riverview Rd., Montebello CA 90640. MARKAY #32. Active Ingredients: Disodium cyanodithiolimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34890-E. Ohio Solvents & Chemicals Co., 3740 W. 140th St., Cleveland OH 44111. YARMOR 302 PINE OIL. Active Ingredients: Pine Oil 99.4%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34890-G. Ohio Solvents & Chemicals Co., 3740 W. 140th St., Cleveland OH 44111. YARMOR 302W PINE OIL. Active Ingredients: Pine Oil 99.4%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 602-ELE. Ralston Purina Co., Checkerboard Square St. Louis MO 63188. PURINA RAT AND MOUSE KILL PELLETS. Active Ingredients: Warfarin (3-(alpha-Acetylbenzyl)-4-hydroxycoumarin) 0.025%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 602-ELG. Ralston Purina Co. PURINA MOUSE AND RAT KILL MEAL. Active Ingredients: Warfarin (3-(alpha-Acetylbenzyl)-4-hydroxycoumarin) 0.025%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 602-ELL. Ralston Purina Co. PURINA RAT AND MOUSE CONTROL PELLETS. Active Ingredients: Warfarin (3-(alpha-Acetylbenzyl)-4-hydroxycoumarin) 0.025%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 602-ELU. Ralston Purina Co. PURINA RAT AND MOUSE CONTROL. Active Ingredients: Warfarin (3-(alpha-Acetylbenzyl)-4-hydroxycoumarin) 0.025%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 201-235. Shell Chemical Co., A Div. of Shell Oil Co., Agricultural Div., Suite 300, 1700 K St., Washington DC 20006. VAPONITE 2 EMULSIFIABLE INSECTICIDE. Active Ingredients: 2,2-dichlorovinyl dimethyl phosphate 23.7%; Related compounds 1.0%; Petroleum Hydrocarbons 70.3%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 201-250. Shell Chemical Co., A Div. of Shell Oil Co., Agricultural Div., Suite 300, 1700 K St., Washington DC 20006. VAPONITE 2 OIL SOLUTION INSECTICIDE. Active Ingredients: 2,2-Dichlorovinyl dimethyl phosphate 23.9%; Related compounds 1.0%; Petroleum Hydrocarbons 75.1%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 4887-29. Stephenson Chemical Co., Inc., PO Box 87188, College Park GA 30337. STEPHENSON CHEMICALS FOG & MIST SPRAY. Active Ingredients: Piperonyl Butoxide, Technical 1.5%; Pyrethrins 0.3%; Petroleum Oil 98.2%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1016-69. Union Carbide Corp., Agricultural Products, PO Box 1906, Salinas CA 93901. UNION CARBIDE TEMIK ALDICARB PESTICIDE 10% GRANULAR. Active Ingredients: Aldicarb [2-methyl-2-(methylthio) propionaldehyde O-(methylcarbamoyl)oxime] 10%. Method of Support: Application proceeds under 2(b) of interim policy.

Dated December 11, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-29386 Filed 12-24-74;8:45 am]

[FRL 309-3]

SCIENCE ADVISORY BOARD EXECUTIVE COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the Executive Committee of the Science Advisory Board will be held beginning at 8:30 a.m., January 15, 1975. The meeting will be held in Room 1101, Waterside Mall West Tower, 401 M Street, SW., Washington, D.C.

This is a regularly scheduled meeting of the Committee. The agenda includes reports on the activities of other Committees of the Science Advisory Board,

a discussion of scientific issues relevant to Agency policy on sulfates in the atmosphere, adoption of operational procedures for the Committee, member items of interest, and comments by Agency representatives.

The meeting is open to the public. Any member of the public wishing to attend, participate, present a paper, or obtain additional information should contact Dr. Thomas D. Bath, Executive Secretary, Science Advisory Board (202) 755-0263.

Dated: December 19, 1974.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.74-30011 Filed 12-24-74;8:45 am]

[FRL 313-2]

TECHNICAL ADVISORY GROUP FOR MUNICIPAL WASTE WATER SYSTEMS
Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the Technical-Advisory Group for Municipal Waste Water Systems is tentatively scheduled for 9 a.m. on January 13 and 14, 1975, at the Crystal Mall No. 2, Room 1112, Conference Room A, Arlington, Virginia.

The purpose of the meeting is to review and discuss the following subject matter: Section 937 (AE Procurement) and Value Analysis, Nonrestrictive Specifications, Best Practical Treatment Technology, Value Engineering, Operation and Maintenance of Waste Water Treatment Facilities, and section 201/208 Facilities Planning Regulations.

The meeting will be open to the public. Any member of the public wishing to attend should contact the Executive Secretary after January 6, 1975, to confirm the meeting date. Mr. Harold P. Cahill, Director, Municipal Construction Division, Environmental Protection Agency, Washington, D.C. 20460, can be reached on Area Code: 202-426-8986.

Dated: December 20, 1974.

JAMES L. AGEEL,
Assistant Administrator for Water
and Hazardous Materials.

[FR Doc.74-30139 Filed 12-24-74;8:45 am]

FEDERAL POWER COMMISSION

NATIONAL POWER SURVEY ADVISORY COMMITTEE ON THE IMPACT OF INADEQUATE ELECTRIC POWER SUPPLY

Notice of Meeting

Agenda for a meeting of the Technical Advisory Committee on the Impact of Inadequate Electric Power Supply to be held at the Federal Power Commission Offices, 825 North Capitol Street, N.E., Washington, D.C., on January 21, 1975, at 9:30 a.m. in Room 5200.

1. Meeting called to order by FPC Coordinating Representative.

2. Objectives and purposes of meeting.

A. Discussion of draft report and written comments submitted.

B. Plans for preparation and circulation of final draft.

C. Other business.
3. Adjournment:

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-30037 Filed 12-24-74;8:45 am]

[Docket No. RI74-196]

AMOCO PRODUCTION CO.

Certification of Proposed Settlement

DECEMBER 18, 1974.

Take notice that on December 16, 1974, the Presiding Administrative Law Judge certified to the Commission the record in this proceeding and a "Stipulation for Resolution of Issues and Issuance of Commission Order Granting Petition of Amoco Production Company in FPC Docket No. RI74-196."

As more fully set forth in the Petition for Special Relief filed by Amoco Production Company (Amoco) and upon the record in this docket, Amoco has submitted a March 1, 1974 amendment to the June 23, 1950 Contract between Amoco and Cities Service Gas Company (Cities) covering sales of natural gas by Amoco to Cities in the Kansas-Hugoton Field and Panoma-Council Grove Field, located in the State of Kansas, which is on file with the Commission as Amoco's FPC Gas Rate Schedule No. 84; and, pending issuance of a Commission decision establishing an applicable nationwide rate, seeks waiver of the moratorium provided by Commission Opinion No. 586 to permit immediate effectiveness of the increases in "flowing gas rates" provided by that contract amendment.

The petition and the record further more fully reflect that, in consideration for the rate increases, Amoco and Cities entered into an Exploration and Development Agreement dated March 1, 1974, providing that if the Commission approves the requested rate increases, Amoco (1) will accelerate its drilling program in the Panoma-Council Grove Field in Kansas on acreage committed to Cities by the contract on file as Amoco's FPC Gas Rate Schedule No. 84; (2) expend a portion of the additional revenue received by Amoco in exploration and drilling in over one million acres of land in the State of Wyoming, more fully described in the record as the "Contract Area"; (3) will expend additional sums in exploration and development in said "Contract Area" in the State of Wyoming, and (4) will commit new gas reserves discovered and developed by Amoco in said "Contract Area" to Cities in accordance with the terms and conditions of the Exploration and Development Agreement and with the "Principles of Gas Purchase Contract" admitted into evidence as Exhibit No. 5 in the record.

At the conclusion of receipt into evidence of testimony and exhibits presented by the parties and cross-examination of all witnesses, certain of the parties submitted the Stipulation which has been certified to the Commission. In sum, that Stipulation provides (1) that if the Commission issues an order, on or before March 3, 1975, in accordance with the terms of the Stipulation, Amoco will be permitted to collect certain of the increased rates, effective as of December 31, 1974, subject to possible refund of any portion thereof that may exceed the national or nationwide rate applicable thereto, as established hereafter by the Commission in Docket No. R-389-B, Docket No. R-478, Docket No. RM75-14, or other similar rate-fixing proceeding of general applicability; (2) procedures under which direct or indirect customers of Cities which are parties to Docket No. RI74-196 may request refunds by Amoco in the future, for Commission decision upon such requests, and for flow-through of such refunds, if any, by Cities to its jurisdictional customers; (3) for continued performance by Amoco of its exploration and development program in Wyoming under terms and conditions more fully set forth in the Stipulation and Exploration and Development Agreement admitted into evidence as Exhibit No. 4 in the record; (4) provisions applicable to rates for future sales of natural gas by Amoco to Cities from the "Contract Area" in the State of Wyoming; and (5) provisions as to timing of Commission action upon the Stipulation and for future contingencies as to such timing.

The provisions of the Stipulation, the filings, and the record more fully reflect the nature and substance of the Stipulation, and all are available for inspection in the public files of the Commission. The record reflects that all parties were afforded opportunity to participate in the negotiation of the Stipulation, and no party has opposed certification of the record and the Stipulation for consideration and disposition by the Commission.

It was agreed upon by the parties to the proceeding that comments or protests with reference to the Stipulation should be filed on or before December 31, 1974, with the Federal Power Commission, Washington, D.C., 20426, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.10), and reply to any such comments or protests should, on or before January 10, 1975, be filed with the Federal Power Commission. All comments, protests, and reply comments filed with the Commission will be considered by it in determining what action to take upon the Stipulation. The filing of protests, comments, or replies will not serve to make additional persons parties to the proceeding. Any person not already a party who desires to become a party to the proceeding, or to participate as a party herein, must file a petition for leave to intervene in accordance with the

Commission's rules of practice and procedure.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-30023 Filed 12-24-74;8:45 am]

[Docket No. RM74-23; Order No. 514-A]

ASSOCIATED GAS DISTRIBUTORS AND UNITED GAS PIPE LINE CO.

Order Denying Rehearing

DECEMBER 19, 1974.

On November 20, 1974, Associated Gas Distributors (AGD) and United Gas Pipe Line Company (United) filed in Docket No. RM74-23 applications pursuant to Section 19(a) of the Natural Gas Act and § 1.34 of the Commission's rules of practice and procedure (18 CFR 1.34) for rehearing of Order No. 514 issued October 21, 1974. Order No. 514 promulgated an amendment of Section 157.14 of the Regulations under the Natural Gas Act (18 CFR 157.14) to require pipeline companies to include additional gas supply and deliverability information as Exhibit H to applications for certificates of public convenience and necessity filed pursuant to section 7 of the Act in lieu of incorporating such data by reference to FPC Form No. 15 as theretofore permitted.

The thrust of United's application for rehearing are objections that the filing requirements imposed by Order No. 514 are burdensome and that due to lack of protection for confidentiality of producer reserve data the filing requirements are counterproductive to the attachment of gas supplies so as to be without significant public benefit. AGD on the other hand seeks to enlarge the scope of the proceeding to require pipelines to file data on "probable" and "possible potential" reserves. AGD submits that in view of the need for better gas supply data at this time of critical shortages there is no excuse for the Commission's failure to require submission of these data.

In its comments filed on June 17, 1974, in response to the Notice of Proposed Rulemaking issued in the instant proceeding on May 2, 1974 (39 FR 16487, May 9, 1974), United raised three principal objections to the proposed rule: the filing requirement is ambiguous, the filing requirement is unduly burdensome, and the failure to provide protection for confidential producer reserve data is counterproductive to the attachment of gas supplies by pipelines. The Commission reviewed these comments thoroughly prior to the promulgation of Order No. 514. The Commission, mindful of the additional effort involved in supplying gas supply and deliverability information, sought to minimize such burden upon a certificate applicant by directing that only information on gas supply and deliverability for that phase of the company operations which would be affected, should the proposal in the pending application be authorized need be filed. In addition only portions of the annual report (FPC Form No. 15) for which changes had been made or are

supplemental to the annual report then currently on file need be filed. The Commission's need for data sufficient to support a certificate application and permit prompt and intelligent review is therefore provided for at as minimal a burden to certificate applicants as possible consistent with the Commission's duty to make adequate findings as to the requirements of the public convenience and necessity with respect to specific applications under Section 7 of the Natural Gas Act. Any filing requirement involves, to some extent, the imposition of a burden. The Commission, after weighing the filing burden the proposed rule would impose against the need for timely and comprehensive gas supply and deliverability information necessary to permit the Commission effectively to process and review certificate applications concluded such additional filings are reasonable and in the public interest. United has failed to demonstrate that such a filing requirement is unduly burdensome nor has United advanced new facts in support of its original argument that failure to afford confidentiality to reserve data is counterproductive to attachment of gas supplies.

As we stated in Order No. 514 United has chosen an inappropriate forum to challenge the propriety of § 2.72 of the Commission's General Policy and Interpretations (18 CFR 2.72) which established our policy on the divulgence of information. We reemphasize that the instant order does not compel any party to submit confidential data but neither does it alter an applicant's burden of producing substantial evidence sufficient to support its application.

AGD objects to the Commission's deletion of certain language with respect to the filing of "probable" and "possible potential" reserve data which appeared in the rule proposed in this docket but not in the Final rule promulgated by Order No. 514. AGD argues that elimination of such data has severely diminished the value of the "data gathering" rule as noticed by the Commission and has defeated the Commission's goals in this Proceeding.¹

AGD misconstrues the intent and purpose of the rule as initially proposed and as finally promulgated. Order No. 514 promulgated not a general information gathering rule but rather a rule designed to require applicants to furnish the Commission with substantial evidence in the

nature of specific gas supply and deliverability data sufficient to support their individual certificate applications. Order No. 514 amends paragraph (a) of § 157.14 of the Commission's Regulations, which paragraph is limited to prescribing the scope and content of exhibits to pipeline certificate applications and in no way comports to the general information role AGD urges.

Order No. 514 is limited in scope to requiring applicants to file gas supply and deliverability data in support of their proposed project on sale for which certification is sought. If in an individual case additional information is needed paragraph (c) of § 1.11 of the Commission's Rules of Practice and Procedure (18 CFR 1.11(c)) and paragraph (c) of Section 157.14 of the Regulations under the Natural Gas Act (18 CFR 157.14 (c)) provides that the Commission may direct a party to state his case more fully or in more detail. It can hardly be argued that the reasonable additional filing requirements imposed by Order No. 514, which have as their purpose the furnishing of relevant gas supply and deliverability information as substantial evidence in support of specific certificate applications, should become unreasonable for failure to require the filing of general data on gas reserves not required to support the specific applications simply because collection of data on "probable" and "possible potential" gas reserves may be feasible.

The Commission finds:

The applications for rehearing filed by United and AGD present no new facts or principles of law which were not fully considered by the Commission in Order No. 514, or which having been more considered, warrant any modification of said order.

The Commission orders:

The applications for rehearing filed by United and AGD in Docket No. RM74-23 are denied.

By the Commission.

[SEAL]

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-30028 Filed 12-24-74;8:45 am]

[Docket No. E-9167]

CENTRAL MAINE POWER CO.

Cancellation

DECEMBER 18, 1974.

On December 6, 1974, Central Maine Power Company tendered for filing a proposed cancellation of service. The company proposes that effective the 15th day of January, 1975, Rate Schedule FPC No. 26, effective date December 12, 1969 and filed with the Federal Power Commission by Central Maine Power Company be cancelled.

Notice of the proposed cancellation has been served upon the following:

Rumford Falls Power Company
Attention: Mr. Hayden S. Rogers
49 Congress Street
Rumford, Maine 04276

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 30, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-30024 Filed 12-24-74;8:45 am]

[Docket No. CP75-8]

CONSOLIDATED GAS SUPPLY CORP. AND TRANSCONTINENTAL GAS PIPE LINE CORPORATION

Petition To Amend

DECEMBER 18, 1974.

Take notice that on December 2, 1974, Transcontinental Gas Pipe Line Corporation (Petitioner), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP75-8 a petition to amend the order issuing a certificate in said docket on November 1, 1974 (American Petroleum Exploration Company, et al., Docket No. CI75-39, et al.), pursuant to section 7(c) of the Natural Gas Act by deleting a misstatement which appears in said order, all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

Petitioner states that in the subject order the statement appears that Petitioner is seeking to acquire an ownership interest of up to 70 percent in the Ship Shoal Block 246 "A" and "B" Platforms, and that Petitioner's present interest amounts to approximately 25 percent in the "A" Platform and 40 percent in the "B" Platform. Petitioner states that at the time of the application it owned no interest in either platform, but, because of the volume of gas it had already contracted for, its agreement with Consolidated Gas Supply Corporation (Consolidated) dictated that Petitioner acquire and own 25 percent and 40 percent interests in the respective platforms. Thus, Petitioner states, it was actually seeking certificate authorization to acquire an immediate 25 percent interest in the "A" Platform and an immediate 40 percent interest in the "B" Platform and to acquire in the future an interest of up to 70 percent in each platform, depending upon additional gas for which Petitioner might contract.

¹ AGD's argument that the Commission has violated its statutory obligations by failing to require the filing of data on "probable" and "possible potential" reserves merits but scant comment. In support of this argument AGD cites *Austral Oil Co., et al. v. FPC*, 428 F.2d 407, 444, "The Commission 'must * * * make findings as specifically as possible * * * estimating the gas supply * * *'" and states that "The final order promulgated by the Commission fails to establish a reporting scheme which meets these goals." AGD has assembled a single quotation from different sentences in the court's opinion and has perverted the court's intent in using those particular words in context.

Petitioner requests the November 1, 1974, order be amended accordingly. Petitioner further states that as a result of the misstatement in the text of the order misconceptions found their way into finding paragraphs (5) and (10) and ordering paragraph (G), which refer to authorization for Petitioner to acquire an increased interest in the subject production platforms.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 8, 1975 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-30036 Filed 12-24-74; 8:45 am]

[Docket No. CP75-171]

EL PASO NATURAL GAS CO.

Application

DECEMBER 18, 1974.

Take notice that on December 9, 1974, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP75-171 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain metering facilities and taps in Maricopa County, Arizona, and to abandon certain metering and pipeline facilities in Lea County, New Mexico, and the related natural gas service rendered by means thereof, all as set forth in the application which is on file with the Commission and open to public inspection.

The application states that Applicant's Avondale meter station, which was installed under authorization issued in Docket No. G-1345 on November 29, 1951 (10 FPC 633), so as to permit measurement of additional gas supplies delivered to Arizona Public Service Company (APS) for resale in the Phoenix, Arizona, area, has been obsolete for several years because of the delivery measurement of such gas at Applicant's existing Lateral 25 meter station. Further, it is stated that Applicant's Lateral 16 check meter, which was also installed under Commission authorization issued in Docket No. G-1345, for the purpose of monitoring gas deliveries to the Phoenix Power Plant and Applicant's Lateral 16 sales meter station in Phoenix, Arizona, has now become unnecessary because of the installation of telemetering equipment on Applicant's Lateral 16 pipeline.

The application further states that Applicant proposes to abandon, in Lea County, New Mexico, the South Four Lakes Unit meter station and 0.95 mile of 4½-inch pipeline constructed pursuant to budget-type authorization granted by Commission order issued November 12, 1957, in Docket No. G-12599 (18 FPC 623), as amended, and the King Plant meter station together with 2.12 miles of 4½-inch pipeline authorized by Commission order of February 20, 1958, in Docket No. G-13252 (19 FPC 264). Applicant states that gas supplies in this area have declined to a point where it has become no longer economically feasible for producers to operate liquid recovery facilities and that the producers delivering gas through the facilities in Lea County have abandoned sales to Applicant under authorizations by the Commission.

Applicant further proposes to abandon a total of 10 taps, all of which were installed by Applicant in Maricopa County, Arizona, during the period from December 1948 through March 1960, without specific authority, for service to nine right-of-way grantors and one resale customer of APS. Applicant states that it has agreed with APS that gas service previously provided at each tap is no longer necessary inasmuch as each customer either no longer requires service or is being served by APS' integrated distribution system. The following taps are proposed to be abandoned by removal, although, Applicant states, they have no salvage value:

- (1) *Taylor Trusts Tap*, located at milepost 129.3 on Applicant's 20-inch O.D. Maricopa County pipeline in the NW/4, Lot 2 of section 30, Township 2 North, Range 1 East.
- (2) *J. W. Smith Tap*, located at milepost 0.1 on Applicant's 4½-inch O.D. Meca pipeline in the NW/4 of section 5, Township 1 South, Range 4 East.
- (3) *D. W. Patterson Tap*, located at milepost 6.9 on Applicant's 4½-inch O.D. Meca pipeline in the N/2 of section 5, Township 1 South, Range 5 East.
- (4) *Charles Shas Tap*, located at milepost 207.3 on Applicant's 10¾-inch O.D. Tucson-Phoenix pipeline in the NW/4 of section 5, Township 1 South, Range 4 East.
- (5) *H. C. Dobson Tap*, located at milepost 6.3 on Applicant's 4½-inch O.D. Meca pipeline in the NE/4 of section 6, Township 1 South, Range 5 East.
- (6) *H. C. Dobson Tap*, located at milepost 6.3 on Applicant's 16-inch O.D. Ocotillo Power Plant pipeline in the SE/4 of section 36, Township 1 North, Range 4 East.
- (7) *Howard Saylor Tap*, located at milepost 4.6 on Applicant's 6¾-inch O.D. Lino No. 2072 in the SW/4 of section 6, Township 1 South, Range 5 East.

The following taps are proposed to be abandoned in place:

- (1) *H. C. Brown Tap*, located at milepost 203.8 on Applicant's 10¾-inch O.D. Tucson-Phoenix pipeline in the NW/4 of section 21, Township 1 South, Range 4 East.
- (2) *L. C. McCullough Tap*, located at milepost 203.8 on Applicant's 10¾-inch O.D. Tucson-Phoenix pipeline in the NE/4, section 20, Township 1, South, Range 4 East.
- (3) *A. E. Price Tap*, located at milepost 0.5 on Applicant's 6¾-inch O.D. Chandler pipeline in the SW/4 of section 33, Township 1 South, Range 4 East.

Applicant estimates \$15,200 as the total cost of abandonment of all facilities described herein.

Applicant states that the proposed abandonment will permit removal of unused facilities for use elsewhere on Applicant's system, as the need therefor arises, and that no interruption, reduction or termination of natural gas service presently rendered by Applicant will result upon effectuation of said abandonments.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 9, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonments are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-30026 Filed 12-24-74; 8:45 am]

[Docket No. CP73-232]

FLORIDA GAS TRANSMISSION CO. AND UNITED GAS PIPE LINE CO.

Petition To Amend

DECEMBER 18, 1974.

Take notice that on December 12, 1974, Florida Gas Transmission Company (Florida Gas), P.O. Box 44, Winter Park, Florida 32789, and United Gas Pipe Line Company (United), 1500 Southwest Tower, Houston, Texas 77002, filed in Docket No. CP73-232 a petition to amend the order issued in said docket on October 29, 1973 (50 FPC 1298), pursuant to section 7(c) of the Natural Gas Act by

authorizing the establishment of an additional delivery point on the facilities of United for the exchange of gas and authorizing such exchange, all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

Petitioners request that the certificates issued in the subject docket be amended to authorize the establishment of a new and additional delivery point for the exchange of gas, at which Florida Gas will deliver or cause to be delivered to United for redelivery to Florida Gas at any mutually agreeable authorized and existing point of interconnection between the respective systems of Florida Gas and United. The petition states that the new delivery point is located at an existing connection of United's Lirette-Mobile Pipeline with Exxon Company's Lirette Plant in section 10, Township 18S, Range 19E, Terrebonne Parish, Louisiana. At said point United proposes to receive into its pipeline up to approximately 4,000 Mcf per day of natural gas which will be sold to Florida Gas by Amoco Production Company (Amoco). United proposes to deliver equivalent volumes of gas to Florida Gas pursuant to the gas exchange agreement between the two companies dated August 13, 1973. Petitioners state that no new or additional facilities will be required to effect the proposed exchange of gas and that all exchanges of gas to be made hereunder will be made on a gas-for-gas basis.

The petition further states that the proposed exchange will enable Florida Gas to receive into its system additional quantities of gas which are available from production by Amoco in the Chauvin Field and will thereby aid in maintaining continuity of service to customers of Florida Gas. The proposed exchange, it is said, will provide added flexibility to the systems of both petitioners.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 13, 1975 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-30027 Filed 12-24-74;8:45 am]

[Docket No. RI75-74]

DWIGHT S. RAMSAY

Petition for Special Relief

DECEMBER 18, 1974.

Take notice that on December 9, 1974, Dwight S. Ramsay (Petitioner), P.O. Box 52027, Oil Center Drive—Building 13, Lafayette, Louisiana 70501, filed a petition for special relief in Docket No. RI75-74, seeking a rate above the applicable nationwide rate as provided in Opinion No. 699 and pursuant to section 2.56(h) (6) (ii). Petitioner seeks a rate of \$1.25 per Mcf for the sale of gas to Columbia Gas Transmission Corporation (formerly United Fuel Gas Company) for gas produced from wells to be drilled in the water and to a depth greater than 15,000' on State Lease 2438, West Lake Arthur Field, Jefferson Davis and Vermillion Parishes, Louisiana.

Petitioner further states that he proposes to drill one test well on the lease and if production is established it is anticipated that two productive and one nonproductive developmental wells will be drilled in determining the field boundaries. In the event three productive wells are completed the estimated recoverable reserves are 60 Bcf plus 975,000 Bbls. of condensate.

Any person desiring to be heard or to make any protest with reference to said petition should on or before January 9, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-30025 Filed 12-24-74;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (74-76)]

NASA LIFE SCIENCES COMMITTEE

Notice of Meeting

The NASA Life Sciences Committee will meet on January 22-23, 1975, at the Headquarters of the National Aeronautics and Space Administration, Washington, DC 20546. The meeting will be held in Room 425 of Federal Office Building 10B, 600 Independence Avenue, S.W., Washington, DC 20546. Members of the Public will be admitted on a first come first served basis up to the seating capacity of the room, which is about 70 persons.

The NASA Life Sciences Committee serves in an advisory capacity only. In this capacity it is concerned with man in relation to space travel and habitation, with exobiology, with other life forms, and including: physiology, behavior, clinical aerospace medicine, microbiology, radiobiology, biochemistry, nutrition and food technology, biology of gravity and rhythms, and biotechnology. The current Chairman is Dr. Donald Whedon. There are 14 members.

The following list sets forth the approved agenda and schedule for the January 22-23, 1975, meeting of the Life Sciences Committee. For further information, please contact Dr. Walton L. Jones: Area Code 202, 755-2342.

JANUARY 22, 1975

Time	Topic
0900-0930----	Administrative (Purpose: The oath of office will be administered to members as required. Subjects being discussed will include topics such as final approval of previous committee reports; and a report on results of the previous Space Program Advisory Council meeting.)
0930-1030----	Comments on Findings presented at the Skylab Symposium on 27-29 August, 1974. (Purpose: To collect comments from committee members who attended the Skylab Symposium relative to the future Life Sciences research directions).
1030-1100----	Skylab Data availability and plan for long term studies of crews. (Purpose: (1) To inform committee members with plans and status of: <ol style="list-style-type: none"> Skylab medical data storage and acquisition Plans for follow-up studies of spaceflight crews to determine any long term spaceflight effects, and, (2) solicit comments and advice of the members).
1100-1200----	Shuttle/Ecology report of study team (Purpose: Findings and recommendations will be presented and discussed on life sciences aspects of the impact of shuttle operations on the ecology of the launch site and elsewhere. Further, LSC comments will be solicited).
1330-1415----	Spaceflight Mineral Loss. (Purpose: To present the findings of a review group on spaceflight/bed rest mineral loss and to consider the direction of future research in this area).
1415-1500----	Viking Project. (Purpose: To present reports on progress of the development and testing of life detection experiments, advances in studies on heat resistant organisms, and future project options including sample return. Further LSC comments will be solicited).

1500-1530---- Status of Astronaut/Scientist Ad Hoc SPAC committee. (Purpose: To inform committee members with the status of the study on the future of scientist/astronauts in shuttle/spacelab operations and to solicit comments of LSC on possible impact on future shuttle biomedical experimentation).

1530-1630---- Status of STARPAC. (Purpose: To inform committee members with the status of the program using rural remote health care system as an analogue of medical support for a distant space mission, and to solicit comments on the operational test phase).

1630-1700---- General Discussion. (Purpose: To formulate position on issues discussed during day).

JANUARY 23, 1975

0900-1030---- Report on the 5th US/USSR working group meeting on Space Biology and Medicine. (Purpose: To inform the committee members on the points of the meeting and the possible future joint activities. The peer review and status of US biomedical experiments will be summarized and LSC committee comments will be solicited).

1030-1130---- Life Sciences Program Planning FY76 and 77. (Purpose: Scientific and technical thrusts being considered for FY76 and 77 will be discussed with objective of gaining committee comments).

1130-1200---- General Discussion. (Purpose: To formulate position on issues discussed during meeting).

BOYD C. MEYERS, II,
Assistant Associate Administrator
for Organization and Management
National Aeronautics and Space Administration.

DECEMBER 19, 1974.

[FR Doc.74-30094 Filed 12-24-74;8:45 am]

[Notice (74-77)]

NASA SPACE PROGRAM ADVISORY COUNCIL AD HOC SUBCOMMITTEE ON SCIENTIST-ASTRONAUTS

Notice of Meeting

The SPAC Ad Hoc Subcommittee on Scientist Astronauts of NASA will meet on January 15 and 16, 1975 in Room 820, Bldg. 1, Lyndon B. Johnson Space Center, Houston, Texas 77058. Members of the public will be admitted to the open portions of the meeting beginning at 9 a.m. each day on a first-come, first-served basis, up to the seating capacity of the room, which is about 20 persons, including Subcommittee members and other participants. Visitors will be requested to sign a visitor's register.

The SPAC Ad Hoc Subcommittee on Scientist Astronauts, which serves in an advisory capacity only, was established to review the scientist astronaut program of Apollo and Skylab and to study alternative approaches to the effective participation of scientists as on-board specialists in future Space Shuttle operations. The Chairman is Dr. Homer E. Newell; total membership of the Subcommittee is eight. The following list sets forth the approved agenda and schedule for the meeting. For further information, contact the Executive Secretary, Mr. Nathaniel B. Cohen, Area Code 202, 755-8433.

Item, time, and topic

JANUARY 15

1. 9:00 am *Introduction*. The Chairman will summarize the response to the request for written comments and suggestions, and will outline the steps necessary to complete the Subcommittee's assignment.

2. 9:15 am *Discussion of Submitted Comments and Suggestions*. Written comments and suggestions will be examined and discussed. Invited participants will be questioned on their particular responses.

12:00 Noon *Lunch*.

3. 1:00 pm *Executive Session*. This session is reserved for the discussion of issues relating to the qualifications of individuals involved in the scientist astronaut program as they bear on the study of the subcommittee. Discussions of these matters in a public session would constitute an invasion of the privacy of these individuals and hence the session will be closed pursuant to 5 USC 552(b) (6).

4. 3:00 pm *Working Session*. The Subcommittee will meet in a working session to summarize the views presented, discuss the issues and points to be made, develop an outline for the final report, formulate the findings and recommendations, and assign report-writing tasks to appropriate members.

5:00 pm *Adjourn*.

JANUARY 16

5. 9:00 am *Working Session*. The Subcommittee will reconvene in a working session to continue development of the final report outline and contents.

12:00 Noon *Adjourn*.

BOYD C. MYERS II,
Assistant Administrator for
Organization and Management,
National Aeronautics
and Space Administration.

[FR Doc.74-30095 Filed 12-24-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 03/03-5114]

MODEDCO INVESTMENT CO.

Approval of Change of Control of a Small Business Investment Company

On November 14, 1974, notice was published in the FEDERAL REGISTER (39 FR 40207) of an application for change of control filed with the Small Business Administration pursuant to 13 CFR 107.701 (1974), by MODEDCO Investment Company, 1120 Connecticut Avenue NW., Washington, D.C. 20036, a Federal licensee under section 301(d) of the

Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.).

The period for comment expired November 29, 1974.

Notice is hereby given that having considered the application and all other pertinent information, SBA has approved the application for change of control of MODEDCO Investment Company.

Dated: December 17, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc.74-30044 Filed 12-24-74;8:45 am]

TARIFF COMMISSION

[337-34]

CONVERTIBLE GAME TABLES AND COMPONENTS THEREOF

Findings, Conclusion, and Recommendation

On October 26, 1972, ATI Recreation, Inc. (now Ebonite Corp., successor), of Miami Lakes, Fla., filed a complaint (as supplemented) under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) alleging unfair methods of competition and unfair acts in the importation and sale of certain convertible game tables which, among other allegations, are said to be embraced within the claim(s) of U.S. Patent No. 3,711,099 owned by the complainant.

The U.S. Tariff Commission conducted a preliminary inquiry with respect to the matters alleged in said complaint pursuant to section 203.3 of the Commission's rules of practice and procedure (19 CFR 203.3) and, on August 30, 1973, pursuant to §203.4 of the Commission's rules of practice and procedure (19 CFR 203.4), ordered that an investigation (No. 337-34) be instituted with respect to the alleged violations in the importation and sale in the United States of certain convertible game tables and components thereof. Public hearings were held in connection with this investigation on October 15-17, 1973, February 5, 1974, and September 12, 1974, pursuant to section 203.5 of the Commission's rules of practice and procedure (19 CFR 203.5).

Upon completion of its investigation, the Commission (Vice Chairman Parker dissenting in part and Commissioner Minchew not participating) finds unfair methods of competition and unfair acts in the unlicensed importation and sale of convertible game tables (whether imported assembled or not assembled) by reason of their being made in accordance with the claim(s) of U.S. Patent No. 3,711,099, or in the importation and sale of the table top(s) therefor (unless either table top, if imported separately, is for sale or for use other than the combination purposes covered by said patent, and the importer so certifies). The Commission also finds that the effect or tendency of these unfair methods of competition and unfair acts is to substantially

injure an industry, efficiently and economically operated, in the United States.¹

The Commission therefore concludes that there is a violation of section 337 of the Tariff Act of 1930 and recommends that, in accordance with subsection (e) of section 337, the President issue an exclusion order to forbid entry into the United States of convertible game tables (whether imported assembled or not assembled) made in accordance with the claim(s) of U.S. Patent No. 3,711,099, or the table top(s) therefor, until expiration of the patent, except when (1) the importation is under license of the owner of U.S. Patent No. 3,711,099 or (2) in the case of the table top(s) either table top (if imported separately) is for sale or for use other than the combination purposes covered by said patent, and the importer so certifies.²

Under the statute (19 U.S.C. 1337(c)) a rehearing before the Commission may be requested. In accordance with section 201.14 of the Commission's rules of practice and procedure (19 CFR 201.14) a motion for a rehearing may be granted for good cause shown. Any such motion for a rehearing must be in writing and filed with the Secretary of the U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C. 20436, within twenty (20) days after publication of this notice. The motion must state clearly the grounds which are relied upon for the granting of a rehearing and must be accompanied by nineteen (19) true copies.

By order of the Commission:

Issued: December 20, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-30065 Filed 12-24-74; 8:45 am]

[TEA-W-256]

GARDINER SHOE CO.

Investigation Regarding Workers' Petition for Determination

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of the Gardiner Shoe Company, Inc., Lewiston, Maine, the United States Tariff Commission, on December 19, 1974, instituted an investigation under section 301(c)(2) of the Act to determine

¹ Vice Chairman Parker dissents in part and finds no unfair methods of competition and unfair acts in the separate importation and sale of the table top(s), on the ground that these table top(s), when considered separately, are not covered by the patent and are staple articles in commerce suitable for a substantial noninfringing use within the meaning of sec. 271(c) of title 35 of the United States Code (35 U.S.C. 271(c)).

² Vice Chairman Parker's recommendation is limited to the following: that the President issue an exclusion order to forbid entry into the United States of convertible game tables (whether imported assembled or not assembled) made in accordance with the claim(s) of U.S. Patent No. 3,711,099, until expiration of the patent, except when the importation is under license of the owner of U.S. Patent No. 3,711,099.

whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for men (of the types provided for in items 700.27, 700.29, and 700.55 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before January 6, 1975.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D.C., and at the New York City office of the Tariff Commission located at 6 World Trade Center.

By order of the Commission.

Issued: December 20, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-30066 Filed 12-24-74; 8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 660]

ASSIGNMENT OF HEARINGS

DECEMBER 20, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

No. 36029, Penn Central Transportation Company, George P. Baker, Robert W. Blanchette, and Richard C. Bond, Trustees, V. Burlington Northern, Inc., et al., now assigned February 11, 1975, at Washington, D.C., is postponed to March 11, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 133968 Sub 35, North East Express, Inc., now being assigned January 28, 1975 (1 day), in Room 3240, William J. Green, Jr., Federal Bldg., 600 Arch St., Philadelphia, Pa.

MC 22229 Sub. 82, Terminal Transport Co., now assigned January 20, 1975, at Tampa, Fla., will be held in Holiday Inn, 111 W. Fortune St.

MC 128878 (Sub. 34), Service Truck Line, Inc., now assigned January 14, 1975, at New Orleans, La., will be held in Conference Room, U.S. Court of Appeals Bldg., 600 Camp St.

MC 2226 Sub 104, Red Arrow Freight Lines, Inc., now assigned January 2, 1975, at Dallas, Tex., will be held at the Sheraton Inn—Mockingbird West, 1893 West Mockingbird Lane.

MC 107107 Sub 434, Alterman Transport Lines, Inc., now assigned January 16, 1975 at New Orleans, La., is cancelled and re-assigned January 16, 1975 (2 days), at Mobile, Alabama, in Ramada Inn, 600 Belt Line Highway.

I & S No. 8986, Quarterly Settlements of Transit Accounts—WTL, SWL Territories, now assigned January 15, 1975, at Kansas City, Mo., is postponed to February 19, 1975, at Kansas City, Mo., in a hearing room to be later designated.

I & S No. 8998, Coal, Southwestern, Western Trunk Line & Central Territories and F&A No. 42890, Coal from Illinois, Indiana, Kentucky, and Missouri, now being assigned February 4, 1975, at Chicago, Ill., in a hearing room to be later designated.

I & S No. 9003, Lighterage Charges at New York Harbor, Penn Central Transportation Co., now being assigned February 10, 1975, at New York, N.Y., in a hearing room to be later designated.

MC 73165 Sub 345, Eagle Motor Lines, Inc., now assigned January 20, 1975 (1 day), at Memphis, Tenn., will be held in Room 970, Federal Office Bldg., 167 N. Main St.

MC 921 Sub 26, Dean Truck Lines, Inc., now assigned January 21, 1975 (2 days), at Memphis, Tenn., will be held in Room 844, Federal Office Bldg., 167 N. Main St.

MC-C-8456, Agricultural Services Association, Inc.—Investigation of Operations and Practices, now assigned January 23, 1975 (2 days), at Memphis, Tenn., will be held in Room 978, Federal Office Bldg., 167 N. Main St.

MC-C-8455, Chem-Haulers, Inc., now assigned January 14, 1975, at Birmingham, Ala., will be held at the Department of Labor Conference Room, 1931 9th Ave., South.

MC-C-8338, Hunt Truck Lines, Inc.—Investigation and Revocation of Certificate, now assigned January 14, 1975, at Kansas City, Mo., is postponed to February 24, 1975 (2 days), at Kansas City, Mo., in a hearing room to be later designated.

MC 126305 Sub 58, Boyd Brothers Transportation Co., Inc., now assigned January 15, 1975, at Birmingham, Ala., will be held at the Department of Labor Conference Room, 1931 9th Ave., South.

MC 138882 Sub 4, Willey Sanders, Inc., now assigned January 16, 1975, at Birmingham, Ala., will be held at the Department of Labor Conference Room, 1931 9th Avenue, South.

MC 60787 Sub 5, Garrison Van and Warehouse Corp., Inc., now assigned January 20, 1975 at Birmingham, Ala., will be held at the Department of Labor Conference Room, 1931 9th Ave., South.

MC 113459 Sub 93, H.J. Jeffries Truck Line, Inc., and MC 113855 Sub 300, International Transport, Inc., now being assigned January 16, 1975 (2 days), at Salt Lake City, Utah, in a hearing room to be later designated.

MC 139630, Evergreen Equipment Corp., now assigned January 13, 1975, at Newark, New Jersey will be held in Room 730, Tax Court, Federal Office Building, 970 Broad Street.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-30127 Filed 12-24-74; 8:45 am]

[Sixth Rev. S. O. No. 1124; Exception No. 1]
EXCEPTIONS TO CAR SERVICE ORDERS

NOVEMBER 18, 1974.

(a) Pursuant to the authority vested in me section (a) (1) (viii) of Sixth Revised Service Order No. 1124 the following exceptions to Revised Service Order No. 1124 are hereby adopted as exceptions to Sixth Revised Service Order No. 1124.

Exception No. 2—Effective April 1, 1973 (Newport News—Norfolk, VA terminal)

Exception No. 4—Effective April 1, 1973 (Penn Central ore cars located on Penn Central, Canton Railroad, or Patapsco and Back River)

Exception No. 5—Effective April 1, 1973 (Extended free time at remote stations—various railroads named in Demurrage Tariff 4-J, ICC H-59)

Exception No. 6—Effective April 7, 1973 (Certain special service gondolas on Chicago, Rock Island and Pacific)

Exception No. 7—Effective April 1, 1973 (Penn Central ore cars on Philadelphia, Bethlehem and New England)

Exception No. 10—Effective July 1, 1973 (Denver and Rio Grande Western special gondola cars in dolomite service Canyon City, Colorado)

Exception No. 11—Effective July 1, 1973 (Denver and Rio Grande Western special gondola cars in limestone service at Monarch, Colorado)

(b) The following exception to Fifth Revised Service Order No. 1124 is hereby adopted as an exception to Sixth Revised Service Order No. 1124.

Exception No. 2—Effective November 4, 1974 (Roofed Hopper Cars of mechanical designations 'HKR', 'HMR' or 'HTR')

(c) As information, Exceptions to Service Order No. 1124 or to Second, Third, Fourth or Fifth Revised Service Orders No. 1124 not specifically listed herein are no longer in effect.

Effective November 18, 1974.

Issued at Washington, D.C., November 18, 1974.

INTERSTATE COMMERCE
 COMMISSION,

[SEAL] R. D. PFAHLER,
 Chairman, Railroad
 Service Board.

[FR Doc. 74-30123 Filed 12-24-74; 8:45 am]

[No. MC-96324 (Sub-No. 24)]

**GENERAL DELIVERY, INC., EXTENSION—
 SHORT GAP, W. VA.**

Order. At a session of the Interstate Commerce Commission, Review Board Number 1, held at its office in Washington, D.C., on the 11th day of December 1974.

Investigation of the matters and things involved in this proceeding having been made, and said review board, on the date hereof, having made and filed a report¹ herein containing its findings of fact and conclusions thereon, which report is hereby made a part hereof:

¹ Report filed as part of the original document.

It is ordered, That said application, except to the extent granted in said report, be, and it is hereby, denied.

And it is further ordered, That unless compliance is made by applicant with the requirements of sections 215, 217, and 221(c) of the Interstate Commerce Act within 90 days after the date of service hereof, or within such additional time as may be authorized by the Commission, the grant of authority made in said report, subject to the conditions set forth therein, shall be considered as null and void and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

By the Commission, Review Board Number 1.

[SEAL] JOSEPH M. HARRINGTON,
 Acting Secretary.

[FR Doc. 74-30128 Filed 12-24-74; 8:45 am]

[Notice No. 42]

**MOTOR CARRIER ALTERNATE ROUTE
 DEVIATION NOTICES**

DECEMBER 20, 1974.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c) (9) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c) (9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c) (9) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successfully filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 29647 (Deviation No. 6), CHARLTON BROS. TRANSPORTATION CO., INC., 552 Jefferson Street, Hagerstown, Md. 21740, filed December 13, 1974. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Harrisburg, Pa., over Interstate Highway 78 to junction Interstate Highway 287, thence north over Interstate Highway 287 to junction Interstate Highway 80, near Troy Hills, N.J., thence east over Interstate Highway 80 to junction U.S. Highway 46, thence over U.S. Highway 46 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to Hoboken, N.J., and return over the same route for operating convenience only. The notice indicates that the carrier is

presently authorized to transport the same commodities over a pertinent service route as follows: From Harrisburg, Pa., over Pennsylvania Highway 283 to Lancaster, Pa., thence over U.S. Highway 30 to Philadelphia, Pa., thence over U.S. Highway 1 to Hoboken, N.J., and return over the same routes.

No. MC 41432 (Deviation No. 25), EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, Tex. 75207, filed December 4, 1974. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Lufkin, Tex., over Texas Highway 103 to junction Texas Highway 7, thence over Texas Highway 7 to junction Texas Highway 6, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Lufkin, Tex., over U.S. Highway 59 to Houston, Tex., thence over U.S. Highway 290 to junction Texas Highway 6, thence over Texas Highway 6 to Waco, Tex., and return over the same route.

No. MC 1936 (Deviation No. 14), B & P MOTOR EXPRESS, INC., 730 Gross Street, Pittsburgh, Pa. 15224, filed November 27, 1974. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Armagh, Pa., over U.S. Highway 22 to junction U.S. Highway 220, thence over U.S. Highway 220 to junction Interstate Highway 80, thence over Interstate Highway 80 to Netcong, N.J., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Armagh, Pa., over Pennsylvania Highway 56 to junction U.S. Highway 220, thence over U.S. Highway 220 to Bedford, Pa., thence over U.S. Highway 30 to Breezewood, Pa., thence over Pennsylvania Highway 126 to Warfordsburg, Pa., thence over U.S. Highway 522 to Hancock, Md., thence over U.S. Highway 40 to Baltimore, Md., thence over U.S. Highway 1 to Newark, N.J., serving all intermediate points on the specified routes and the off-route points within 30 miles of Newark, N.J., and return over the same route.

No. MC 263 (Deviation No. 14), GARRETT FREIGHTLINES, INC., P.O. Box 4048, Pocatello, Idaho 83201, filed December 3, 1974. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Portland, Oreg., over Interstate Highway 5 to junction Washington Highway 14, thence over Washington Highway 14 to junction U.S. Highway 12, thence over U.S. Highway 12 to Pasco, Wash., and return over the same route for operating convenience

only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Portland, Oreg., over U.S. Highway 30 to Umatilla, Oreg., thence over U.S. Highway 730 to junction U.S. Highway 12, thence over U.S. Highway 12 to Pasco, Wash., and return over the same route.

No. MC 76032 (Deviation No. 26), NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223, filed December 3, 1974. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Cleveland, Ohio, over Interstate Highway 480 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Pennsylvania Highway 33, thence over Pennsylvania Highway 33 to junction Interstate Highway 78, thence over Interstate Highway 78 to junction Interstate Highway 287, thence over Interstate Highway 287 to junction U.S. Highway 1, thence over U.S. Highway 1 to Edison, N.J., and return. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cleveland, Ohio, over U.S. Highway 422 to junction Ohio Highway 8, thence over Ohio Highway 8 to Canton, Ohio, thence over U.S. Highway 30 to junction Pennsylvania Turnpike near Irwin, Pa., thence over Pennsylvania Turnpike to junction U.S. Highway 11, thence over U.S. Highway 11 to Harrisburg, Pa., thence over U.S. Highway 22 to junction unnumbered highway near Paxtonia, Pa., thence over unnumbered highway to junction U.S. Highway 22 near Fredericksburg, Pa., thence over U.S. Highway 22 to junction unnumbered highway near Bethel, Pa., thence over unnumbered highway to junction U.S. Highway 22 near Strausstown, Pa., thence over U.S. Highway 22 to junction unnumbered highway near Walbert, Pa., thence over unnumbered highway to Easton, Pa., thence over U.S. Highway 22 to junction unnumbered highway, thence over unnumbered highway to Clinton, N.J., thence over unnumbered highway via Annandale and White House, N.J. to junction U.S. Highway 22, thence over U.S. Highway 22 to junction New Jersey Highway 28, thence over New Jersey Highway 28 to junction U.S. Highway 1 near Elizabeth, N.J., thence over U.S. Highway 1 to Edison, N.J., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-30125 Filed 12-24-74; 8:45 am]

[Sixth Rev. S. O. No. 1124; Exception No. 2]

PENN CENTRAL TRANSPORTATION CO.

DECEMBER 13, 1974.

Pursuant to the authority vested in me by section (a) (1) (viii) of Sixth Revised Service Order No. 1124, the covered

hopper cars listed below are exempt from the provisions of Sixth Revised Service Order No. 1124, while held for unloading on the lines of the Penn Central Transportation Company, George P. Baker, Richard C. Bond and John H. McArthur, Trustees (PC), or while held under load of cement awaiting instructions of the shipper or consignee for transfer from rail car to motor carrier at points identified as "Flexi-Flow terminals" in PC Freight Tariff 26505-D, ICC 377.

NYC 885680-885824
PC 897000-897004
PC 897050-897090
PC 897680-898199

Effective December 15, 1974.

Expires April 20, 1975.

Issued at Washington, D.C., December 13, 1974.

R. D. PFAHLER,
Chairman,
Railroad Service Board.

[FR Doc.74-30124 Filed 12-24-74; 8:45 am]

[Rev. S. O. No. 994; I.C.C. Order No. 137]

SOUTHERN PACIFIC TRANSPORTATION CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Southern Pacific Transportation Company, is unable to transport traffic over its line between Bonita Junction, Texas, and Cushing, Texas, because of track conditions.

It is ordered, That: (a) *Rerouting traffic.* The Southern Pacific Transportation Company, being unable to transport traffic over its line between Bonita Junction, Texas, and Cushing, Texas, because of track conditions, is hereby authorized to reroute or divert such traffic via any available route. Traffic necessary diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 2 p.m., December 13, 1974.

(g) *Expiration date.* This order shall expire at 11:59 p.m., January 31, 1975, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 13, 1974.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[SEAL]

[FR Doc.74-30122 Filed 12-24-74; 8:45 am]

[AB 43 (Sub-No. 5)]

ILLINOIS CENTRAL GULF RAILROAD CO.

Abandonment From Foxworth to Columbia, and Between Foxworth and Kokomo, in Marion County, Mississippi

DECEMBER 13, 1974.

The Interstate Commerce Commission hereby gives notice that: 1. On Thursday, October 24, 1974, notice was published in Marion County, Miss., that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment an order was served finding that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. sections 4321, et seq. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the October 24, 1974 notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

JOSEPH M. HARRINGTON,
Acting Secretary.

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IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

DECEMBER 20, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR 1965(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before January 6, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 44128 (Sub-No. E1), filed June 4, 1974. Applicant: EPES TRANSPORT SYSTEM, INC., 830 S. Main Street, Blackstone, Va. 23830. Applicant's representative: James E. Wilson, Suite 1032, Pennsylvania & 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and equipment* (except commodities in bulk, in tank vehicles), used in marketing, packing, processing, and handling of unmanufactured tobacco and tobacco scraps and stems, (1) between points in South Carolina and that part of Georgia on and south of U.S. Highway 80, on the one hand, and, on the other, points in that part of Kentucky on and east of U.S. Highway 41, and that part of Tennessee on and east of a line beginning at the Georgia-Tennessee State line, thence along U.S. Highway 411 to junction U.S. Highway 129, thence along U.S. Highway 129 to Knoxville, thence along Interstate Highway 75 to the Kentucky-Tennessee State line, and (2) between points in South Carolina and that part of Georgia on and south of U.S. Highway 80, on the one hand, and, on the other, Ripley, Ohio, Huntington, W. Va., and New Albany and Madison, Ind., restricted in (2) above against the transportation of commodities requiring special equipment. The purpose of this filing is to eliminate the gateway of points in North Carolina.

No. MC 61242 (Sub-No. E1), filed June 2, 1974. Applicant: MCKEE'S HINGHAM EXPRESS, INC., 14 Longwater Drive, Rockland, Mass. 02370. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Connecticut

and New Jersey, Rochester and Niagara Falls, N.Y., and points in that part of New York on and south of Interstate Highway 90, on the one hand, and, on the other, points in Maine and New Hampshire. The purpose of this filing is to eliminate the gateway of Taunton, Mass., and points in Massachusetts within 20 miles of Taunton.

No. MC 76177 (Sub-No. E84), filed May 6, 1974. Applicant: BAGGETT TRANSPORTATION CO., 2 South 32nd Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives and blasting supplies*, from points in Ohio to points in Texas. The purpose of this filing is to eliminate the gateway of the plant site of the Trojan-U.S. Powder, Division of the Commercial Solvents Corp., located at or near Wolf Lake (Union County), Ill.

No. MC 76177 (Sub-No. E85), filed May 6, 1974. Applicant: BAGGETT TRANSPORTATION CO., 2 South 32nd Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives and blasting supplies*, from points in Missouri to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of (1) Grafton, Ill., and points within 2 miles thereof, and (2) Jasonville, Ind., and points within 15 miles thereof.

No. MC 76177 (Sub-No. E86), filed May 6, 1974. Applicant: BAGGETT TRANSPORTATION CO., 2 South 32nd Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives and blasting supplies*, from points in Indiana to points in Arizona, New Mexico, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateways of (1) Grafton, Ill., and points within 2 miles thereof, and (2) Wolf Lake, Ill., and points within 15 miles thereof.

No. MC 76177 (Sub-No. E87), filed May 6, 1974. Applicant: BAGGETT TRANSPORTATION CO., 2 South 32nd Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives and blasting supplies*, from points in New York to points in Texas. The purpose of this filing is to eliminate the gateways of (1) the storage magazine of the Trojan-U.S. Powder, Division of Commercial Solvents Corp., located at the junction of West Virginia Highway 62 and White Church Road near Point Pleasant (Mason County), W. Va.; (2) Grafton, Ill., and points within 2 miles thereof; (3) Wolf Lake, Ill., and points within 15 miles thereof.

No. MC 76177 (Sub-No. E88), filed May 6, 1974. Applicant: BAGGETT TRANSPORTATION CO., 2 South 32nd Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives and blasting supplies*, from points in Texas to points in New York and Pennsylvania. The purpose of this filing is to eliminate the gateways of (1) any point in that portion of Illinois which is both within 15 miles of Energy, Ill., and within 15 miles of Wolf Lake, Ill.; (2) the storage magazine of the Trojan-U.S. Powder, Division of Commercial Solvents Corp., located at the junction of West Virginia Highway 62 and White Church Road near Point Pleasant (Mason County), W. Va.

No. MC 76177 (Sub-No. E89), filed May 6, 1974. Applicant: BAGGETT TRANSPORTATION CO., 2 South 32nd Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives and blasting supplies*, from points in Virginia to points in Montana. The purpose of this filing is to eliminate the gateways of (1) the storage magazine of the Trojan-U.S. Powder, Division of Commercial Solvents Corp., located at the junction of West Virginia Highway 62 and White Church Road near Point Pleasant (Mason County), W. Va.; (2) Grafton, Ill., and points within 2 miles thereof; and (3) Seneca, Ill., and points within 15 miles thereof.

No. MC 76177 (Sub-No. E90), filed May 6, 1974. Applicant: BAGGETT TRANSPORTATION CO., 2 South 32nd Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives and blasting supplies*, from points in Arizona, Colorado, Kansas, Montana, New Mexico, Oklahoma, South Dakota, Utah, and Wyoming to points in Kentucky. The purpose of this filing is to eliminate the gateway of Wolf Lake, Ill., and points within 15 miles thereof.

No. MC 83745 (Sub-No. E20), filed June 4, 1974. Applicant: BOND TRANSPORT, INC., 4620 Rolling Road, Pittsburgh, Pa. 15236. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and such commodities* generally requiring rigging, special equipment, or specialized handling except articles requiring special vehicular equipment for over-the-road movements between points in Westmoreland County, Pa., within 25 miles of Pittsburgh, Pa., south of U.S. Highway 30, on the one hand, and, on the other, points in Hancock, Brooke, Ohio, and

Marshall Counties, W. Va., and those on and south of a line beginning at the West Virginia-Ohio State line and extending along West Virginia Highway 14 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 219, thence along U.S. Highway 219 to the West Virginia-Maryland State line. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC 83835 (Sub-No. E14), filed May 14, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Texas 75222. Applicant's representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except in connection with main or truck pipelines; (B) *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; and (C) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Pennsylvania west of U.S. Highway 219, on the one hand, and, on the other, points in Colorado, Iowa, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, South Dakota, and Wyoming. The purpose of this filing is to eliminate the gateways of points in Illinois.

No. MC 83835 (Sub-No. E15), filed May 14, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Texas 75222. Applicant's representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Contractor's heavy machinery and other contractors' commodities* requiring the use of special equipment, and (B) *Contractor's machinery and equipment* which are self propelled articles,

each weighing 15,000 pounds or more, and related *contractors' machinery, tools, parts, and supplies* moving in connection therewith, restricted to commodities which are transported in trailers, (1) between points in Indiana, on the one hand, and, on the other, points in Colorado, Kansas, Missouri, and Nebraska, (2) between points in Pennsylvania, on the one hand, and, on the other, points in Kansas and Missouri, restricted in (A) and (B) above against the transportation of iron and steel and iron and steel articles, but not mining and contractors' machinery and equipment, originating at points in Indiana which are within the Chicago, Ill., Commercial Zone, as defined by the Commission. The purpose of this filing is to eliminate the gateways of points in Illinois.

No. MC 95540 (Sub-No. E337) (Correction), filed May 14, 1974, published in the FEDERAL REGISTER June 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and coconuts, and pineapples*, when moving in the same vehicle and at the same time with bananas, from points in South Carolina east of a line beginning at the northeastern boundary and U.S. Highway 701, and proceeding along U.S. Highway 701 through Conway to Georgetown, thence along U.S. Highway 17/701 to Charleston, thence on U.S. Highway 17 to its intersection with U.S. Highway 21, thence along U.S. Highway 21 to the Atlantic Ocean, to points in Florida, Mississippi, and points in Alabama south of a line beginning at the Alabama-Mississippi State line and extending along U.S. Highway 98 to Mobile, thence along U.S. Highway 31 to Brewton, thence along U.S. Highway 29 to Andalusia, thence along Alabama Highway 55 to the Alabama-Florida State line. The purpose of this filing is to eliminate the gateway of Jacksonville, Fla. The purpose of this correction is to reflect the complete destination territory.

No. MC 95540 (Sub-No. E820), filed December 1, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and from South Edmeston, N.Y., to points in Arizona, California and New Mexico. The purpose of this filing is to eliminate the gateway of Asheville, N.C.

No. MC 95540 (Sub-No. E821), filed December 1, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as

above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from South Edmeston, N.Y., to points in Louisiana. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC 95540 (Sub-No. E822), filed December 1, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (except commodities in bulk in tank vehicles), from South Edmeston, N.Y., to those points in Tennessee on and south of a line beginning at the Tennessee-Georgia State line and extending along U.S. Highway 411 to its junction with Tennessee Highway 39, thence along Tennessee Highway 39 to its junction with Tennessee Highway 30, thence along Tennessee Highway 30 to its junction with U.S. Highway 705, thence along U.S. Highway 705 to its junction with U.S. Highway 70N, thence along U.S. Highway 70N to its junction with Tennessee Highway 69, thence along Tennessee Highway 69 to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateway of Gainesville, Va.

No. MC 107515 (Sub-No. E141), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from points in that part of Illinois on and north of Interstate Highway 80, to points in that part of Florida on, east, and south of a line beginning at the Gulf of Mexico, thence along Florida Highway 84 to junction Florida Highway 29, thence along Florida Highway 29 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Florida Highway 78, thence along Florida Highway 78 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction U.S. Highway 192, thence along U.S. Highway 192 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction Florida Highway 528, thence along Florida Highway 528 to the Atlantic Ocean, that part of South Carolina on, north, and east of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 21 to junction South Carolina Highway 97, thence along South Carolina Highway 97 to junction U.S. Highway 521, thence along U.S. Highway 521 to junction South Carolina Highway 41, thence along South Carolina Highway 41 to the Atlantic Ocean, and that part of North Carolina on and east of

U.S. Highway 21. The purpose of this filing is to eliminate the gateways of (1) Detroit, Mich., and (2) Columbus, Ohio.

No. MC 107515 (Sub-No. E169), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tittlebaum, Suite 375, 3379 Peachtree Rd. NE, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruit juices*, in vehicles equipped with mechanical refrigeration, from points in that part of Florida on and south of a line beginning at the Gulf of Mexico, thence along Florida Highway 44 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction Florida Highway 46, thence along Florida Highway 46 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Florida Highway 520, thence along Florida Highway 520 to the Atlantic Ocean, to points in Alabama on and north of a line beginning at the Georgia-Alabama State line, thence along Alabama Highway 22 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Alabama Highway 25, thence along Alabama Highway 25 to junction Alabama Highway 14, thence along Alabama Highway 14 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Alabama Highway 28, thence along Alabama Highway 28 to junction Alabama Highway 17, thence along Alabama Highway 17 to junction Alabama Highway 12, thence along Alabama Highway 12 to the Alabama-Mississippi State line, that part of Mississippi on and north of the Mississippi-Alabama State line, thence along Mississippi Highway 16 to junction Mississippi Highway 21, thence along Mississippi Highway 21 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Louisiana-Mississippi State line, and that part of Louisiana on and north of a line beginning at the Louisiana-Mississippi State line, thence along U.S. Highway 84 to junction Louisiana Highway 28, thence along Louisiana Highway 28 to junction Louisiana Highway 8, thence along Louisiana Highway 8 to the Texas-Louisiana State line. The purpose of this filing is to eliminate the gateway of the plant site of Commercial Cold Storage, Inc., at or near Doraville, Ga.

No. MC 107515 (Sub-No. E170), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tittlebaum, Suite 375, 3379 Peachtree Rd. NE, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, in mixed loads with citrus products, frozen (presently authorized), and/or citrus products, not canned and not frozen (presently au-

thorized), from points in that part of Florida on and south of a line beginning at the Gulf of Mexico, thence along Florida Highway 24 to junction U.S. Alternate Highway 27, thence along U.S. Alternate Highway 27 to junction Florida Highway 40, thence along Florida Highway 40 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction Florida Highway 46, thence along Florida Highway 46 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Florida Highway 528, thence along Florida Highway 528 to the Atlantic Ocean, to points in that part of Pennsylvania on and north of a line beginning at the Pennsylvania-West Virginia State line, thence along Interstate Highway 79 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Pennsylvania Highway 28, thence along Pennsylvania Highway 28 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line, in that part of New York on, north, and west of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 219 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 16, thence along New York Highway 16 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 70, thence along New York Highway 70 to junction New York Highway 54, thence along New York Highway 54 to junction New York Highway 14, thence along New York Highway 14 to junction U.S. Highway 20, thence along U.S. Highway 20 to New York Highway 12, thence along New York Highway 12 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 30, thence along New York Highway 30 to the International Boundary line between the United States and Canada. The purpose of this filing is to eliminate the gateway of the plant site of Food Specialties of Kentucky, Division of Oscar Ewing, Inc., in Jefferson County, Ky.

No. MC 107515 (Sub-No. E171), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tittlebaum, Suite 375, 3379 Peachtree Rd. NE, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over routes, transporting: *Citrus products*, not canned and not frozen, in vehicles equipped with mechanical refrigeration, from points in that part of Florida on and south of a line beginning at the Gulf of Mexico, thence along Florida Highway 24 to junction U.S. Alternate Highway 27, thence along U.S. Alternate Highway 27 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Florida Highway 40, thence along Florida Highway 40 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction Florida High-

way 46, thence along Florida Highway 46 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Florida Highway 528, thence along Florida Highway 528 to the Atlantic Ocean, to points in that part of Pennsylvania on and north of a line beginning at the Pennsylvania-West Virginia State line, thence along Interstate Highway 79 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Pennsylvania Highway 28, thence along Pennsylvania Highway 28 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line, in that part of New York on and north of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 219 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 16, thence along New York Highway 16 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 70, thence along New York Highway 70 to junction New York Highway 54, thence along New York Highway 54 to junction New York Highway 14, thence along New York Highway 14 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 30, thence along New York Highway 30 to the International Boundary line between the United States and Canada. The purpose of this filing is to eliminate the gateway of the plant site of Food Specialties of Kentucky, Division of Oscar Ewing, Inc., in Jefferson County, Ky.

No. MC 107515 (Sub-No. E172), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tittlebaum, Suite 375, 3379 Peachtree Rd. NE, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen, fresh, and cured meats*, from points in that part of Florida on and east of a line beginning at the Georgia-Florida State line, thence along Florida Highway 53 to junction Florida Highway 14, thence along Florida Highway 14 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction U.S. Alternate Highway 27, thence along U.S. Alternate Highway 27 to junction Florida Highway 361, thence along Florida Highway 361 to the Gulf of Mexico, to Baltimore, Md., and to points in New Jersey, New York, Delaware, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, that part of Virginia on and east of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 253 to junction Virginia Highway

10, thence along Virginia Highway 10 to junction Virginia Highway 31, thence along Virginia Highway 31 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction Virginia Highway 33, thence along Virginia Highway 33 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Potomac River, in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line, thence along Interstate Highway 83 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateways of (1) any point that is both within 5 miles of Macon, Ga., and within the Macon commercial zone as defined by the Commission (except Macon, Ga.), and (2) Gatesville, N.C.

No. MC 107515 (Sub-No. E174), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tiettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen, fresh, and cured meats*, from points in that part of Florida on and west of a line beginning at the Florida-Georgia State line, thence along Florida Highway 53 to junction Florida Highway 14, thence along Florida Highway 14 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction U.S. Alternate Highway 27, thence along U.S. Alternate Highway 27 to junction Florida Highway 361, thence along Florida Highway 361 to the Gulf of Mexico, to the District of Columbia and to points in New York, New Jersey, Delaware, Connecticut, Rhode Island, Vermont, New Hampshire, Massachusetts, Maine, that part of Maryland on and east of Interstate Highway 81, that part of Virginia on and east of U.S. Highway 15, and that part of Pennsylvania on and east of U.S. Highway 219. The purpose of this filing is to eliminate the gateways of (1) any point that is both within 10 miles of Atlanta, Ga., and within the Atlanta, commercial zone as defined by the Commission, (except Atlanta), and (2) Gatesville, N.C.

No. MC 107515 (Sub-No. E277), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in the Appendix to the report in *Modification of Permits-Packing House Products*, 46 M.C.C. 23, 48 M.C.C. 628, in vehicles equipped with mechanical refrigeration, (1) from points in Indiana to points in that part of Mas-

sachusetts north of Massachusetts Highway 123, (2) from points in that part of Indiana on, west, and north of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 24 to junction Indiana Highway 25, thence along Indiana Highway 25 to junction Indiana Highway 28, thence along Indiana Highway 28 to the Indiana-Illinois State line, to New York, N.Y., and to points in Connecticut, Rhode Island, Massachusetts, and Hudson and Essex Counties, N.J., and (3) from points in that part of Indiana on, south, and east of a line beginning at the Indiana-Ohio State line, thence along Indiana Highway 8 to junction Indiana Highway 1, thence along Indiana Highway 1 to junction Interstate Highway 69, thence along Interstate Highway 69 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Indiana Highway 25, thence along Indiana Highway 25 to junction Indiana Highway 28, thence along Indiana Highway 28 to the Illinois-Indiana State line, to Syracuse, N.Y. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC 107515 (Sub-No. E279), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except with commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the plant site and warehouse facilities utilized by Armour & Co., at Indianapolis, Ind., to points in that part of Texas on and south of a line beginning at the International Boundary line between the United States and Mexico, thence along U.S. Highway 57 to San Antonio, thence along Interstate Highway 10 to the Texas-Louisiana State line, restricted (1) to the transportation of shipments originating at the plant site and warehouse facilities utilized by (a) Armour & Co., at Louisville, Ky., and Evansville and Washington, Ind., and (b) Wilson Certified Foods, Inc., at Louisville, Ky., and (2) against the transportation of shipments from Evansville and Indianapolis, Ind., to Memphis, Tenn., and those points in Tennessee located in the Memphis, commercial zone, as defined by the Commission, and points in Mississippi. The purpose of this filing is to eliminate the gateway of Montgomery, Ala.

No. MC 107515 (Sub-No. E280), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen*

foods, in vehicles equipped with mechanical refrigeration, (1) from points in that part of Indiana on and west of a line beginning at the Indiana-Michigan State line, thence along Indiana Highway 15 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Indiana Highway 57, thence along Indiana Highway 57 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-Kentucky State line, to points in Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, New York, to points in that part of Pennsylvania on, north, and east of a line beginning at the Maryland-Pennsylvania State line, thence along Pennsylvania Highway 472 to junction U.S. Highway 222, thence along U.S. Highway 222 to junction Pennsylvania Highway 283, thence along Pennsylvania Highway 283 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 350, thence along Pennsylvania Highway 350 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Ohio-Pennsylvania State line, and points in that part of Maryland located on the Delmarva Peninsula, and those points in Maryland on and south of a line beginning at the Potomac River, thence along U.S. Highway 301 to junction Maryland Highway 177, thence along Maryland Highway 177 to the Chesapeake Bay.

(2) From points in that part of Indiana on and west of a line beginning at the Michigan-Indiana State line, thence along Indiana Highway 19 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 25, thence along Indiana Highway 25 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Indiana State line, to points in that part of Pennsylvania on, north, and east of a line beginning at the Ohio-Pennsylvania State line, thence along U.S. Highway 423 to junction Pennsylvania Highway 56, thence along Pennsylvania Highway 56 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 16, thence along Pennsylvania Highway 16 to the Maryland-Pennsylvania State line, and that part of Maryland on and north of a line beginning at the Maryland-Pennsylvania State line, thence along Maryland Highway 97 to junction U.S. Highway 140, thence along U.S. Highway 140 to Baltimore, thence along Maryland Highway 2 to Annapolis, thence along U.S. Highway 50 to the

Chesapeake Bay, (3) from points in that part of Indiana on and north of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 24 to Logansport, thence along Indiana Highway 25 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Illinois-Indiana State line, to the District of Columbia, and to points in Maryland, that part of Pennsylvania on, east, and south of a line beginning at the New York-Pennsylvania State line, thence along Pennsylvania Highway 5 to junction Pennsylvania Highway 89, thence along Pennsylvania Highway 89 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction Pennsylvania Highway 257, thence along Pennsylvania Highway 257 to junction U.S. Highway 422, thence along U.S. Highway 322 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 160, thence along Pennsylvania Highway 160 to the Pennsylvania-Maryland State line, in that part of Virginia on and east of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 29 to junction U.S. Highway 501, thence along U.S. Highway 501 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction Virginia Highway 259, thence along Virginia Highway 259 to the Virginia-West Virginia State line, and (4) from points in Indiana, to points in Massachusetts and Rhode Island. The purpose of this filing is to eliminate the gateway of Mendon, Mich.

No. MC 107515 (Sub-No. E317), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen meats and meat products* (except hides and commodities in bulk), from Holton, Kans., to points in that part of Virginia on and east of a line beginning at the North Carolina-Virginia State line, thence along Interstate Highway 85 to junction Interstate Highway 95, thence along Interstate Highway 95 to Richmond, thence along U.S. Highway 301 to the Virginia-Maryland State line, that part of Maryland on and east of U.S. Highway 301, that part of Delaware on and south of a line beginning at the Maryland-Delaware State line, thence along U.S. Highway 301 to junction Delaware Highway 310, thence along Delaware Highway 310 to the Delaware River, that part of Massachusetts on and east of a line beginning at the Connecticut-Massachusetts State line, thence along Connecticut Highway 15 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Interstate Highway 290, thence along Interstate Highway 290 to junction Interstate

Highway 495, thence along Interstate Highway 495 to the New Hampshire-Massachusetts State line, that part of New Hampshire on and south of Interstate Highway 95, that part of Maine on and east of Interstate Highway 95, and points in Rhode Island. The purpose of this filing is to eliminate the gateway of Gatesville, N.C.

No. MC 107515 (Sub-No. E319), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Kansas City, Kans., to the District of Columbia, and points in that part of Virginia on and east of U.S. Highway 29, that part of Maryland on and south of a line beginning at the Potomac River, thence along Interstate Highway 495 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction Maryland Highway 300, thence along Maryland Highway 300 to the Maryland-Delaware State line, that part of Connecticut on and east of a line beginning at Long Island Sound, thence along Interstate Highway 91 to junction Interstate Highway 86, thence along Interstate Highway 86 to the Connecticut-Massachusetts State line, and that part of Massachusetts on and east of a line beginning at the Connecticut-Massachusetts State line, thence along Interstate Highway 86 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Interstate Highway 495, thence along Interstate Highway 495 to the Massachusetts-New Hampshire State line, restricted against the transportation of traffic originating at points in the Missouri part of the Kansas City, Kans.-Kansas City, Mo., commercial zone, as defined by the Commission. The purpose of this filing is to eliminate the gateway of Rocky Mount, N.C.

No. MC 107515 (Sub-No. E324), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettelbaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Those edible meats, edible meat products, and edible dairy products*, that are described in sections A and B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from points in that part of Iowa on, south, and west of a line beginning at the Illinois-Iowa State line, thence along U.S. Highway 34 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 163, thence along Iowa Highway 163 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 71, thence

along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Missouri River, to points in that part of Virginia on and east of U.S. Highway 360. The purpose of this filing is to eliminate the gateways of the plant sites of Family Foods, Inc., and Ambrosia Chocolate Co., Division of W. R. Grace & Co., at Charlotte, N.C.

No. MC 107515 (Sub-No. E320), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible meats and edible meat products*, from Wichita, Kans., to the District of Columbia and to points in Connecticut, Delaware, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Maryland, Virginia, West Virginia, that part of Michigan on and east of a line beginning at the International Boundary line between the United States and Canada, thence along Interstate Highway 75 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Indiana-Michigan State line, in that part of Indiana on and east of a line beginning at the Indiana-Michigan State line, thence along Indiana Highway 15 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 150, thence along U.S. Highway 150/15 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Indiana-Kentucky State line, restricted to the transportation of traffic originating at Wichita, Kans. The purpose of this filing is to eliminate the gateway of the plant site of Food Specialties of Kentucky, Division of Oscar Ewing, Inc., in Jefferson County, Ky.

No. MC 107515 (Sub-No. E329), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen edible meats, frozen edible meat products, and frozen dairy products*, from points in that part of Iowa on, north, and east of a line beginning at the Iowa-Illinois State line, thence along Iowa Highway 103 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Iowa-Minnesota State line, to points in Florida, that part of Alabama on and east of a line beginning at the Alabama-Tennessee State line, thence along Interstate Highway 65 to junction Interstate Highway 59, thence along Interstate Highway 59 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction U.S. Highway 90, thence along U.S. Highway 90 to Pascagoula, in that part

of Tennessee on and south of a line beginning at the Alabama-Tennessee State line, thence along Tennessee Highway 110 to junction Tennessee Highway 50, thence along Tennessee Highway 50 to junction Tennessee Highway 55, thence along Tennessee Highway 55 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Tennessee Highway 33, thence along Tennessee Highway 33 to the Tennessee-Virginia State line. The purpose of this filing is to eliminate the gateway of Rossville, Ga.

No. MC 107515 (Sub-No. E408), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Unfrozen fresh and cured meats*, from points in Alabama, to the District of Columbia, and to points in Delaware, New Jersey, Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, Maine, that part of Virginia on and east of Interstate Highway 95, that part of Maryland on and east of Interstate Highway 95, that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line, thence along U.S. Highway 222 to junction Pennsylvania Highway 501, thence along Pennsylvania Highway 501 to junction Pennsylvania Highway 645, thence along Pennsylvania Highway 645 to junction Pennsylvania Highway 125, thence along Pennsylvania Highway 125 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line, in that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 220 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 26, thence along New York Highway 26 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 30, thence along New York Highway 30 to the International Boundary line between the United States and Canada. The purpose of this filing is to eliminate the gateways of (1) any point that is both within 10 miles of Atlanta, Ga., and is within the Atlanta, commercial zone as defined by the Commission, (except Atlanta), and (2) Gatesville, N.C.

No. MC 107515 (Sub No. E421), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over

irregular routes, transporting: *Meats, meat products, and meat-by-products*, as described in section A. of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from Carrollton, Ga., to points in Missouri, Iowa, Minnesota, Wisconsin, Michigan, that part of Pennsylvania on and north of a line beginning at the Pennsylvania-Maryland State line, thence along U.S. Highway 522 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania-New Jersey State line, in that part of West Virginia on and north of a line beginning at the Kentucky-West Virginia State line, thence along U.S. Highway 60 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 50, thence along U.S. Highway 50 to the West Virginia-Maryland State line. The purpose of this filing is to eliminate the gateway of the plant site of Odom's Sausage Co., at Madison, Tenn.

No. MC 114211 (Sub-No. E183), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Road building equipment* (except commodities which because of size or weight require the use of special equipment, and of those described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from points in that part of Iowa on and west of a line beginning at the Minnesota-Iowa State line, thence along Iowa Highway 4 to junction Iowa Highway 25, thence along Iowa Highway 25 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Iowa-Missouri State line, to points in that part of Florida on and south of a line beginning at the Georgia-Florida State line, thence along Interstate Highway 41 to junction Florida Highway 100, thence along Florida Highway 100 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction Florida Highway 16, thence along Florida Highway 16 to St. Augustine, that part of Georgia on and south of a line beginning at the Alabama-Georgia State line, thence along Georgia Highway 91 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Georgia-Florida State line, and that part of Alabama on and south of a line beginning at the Alabama-Mississippi State line, thence along Alabama Highway 10 to junction Alabama Highway 17, thence along Alabama Highway 17 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Alabama Highway 55, thence along

Alabama Highway 55 to the Florida-Alabama State line, that part of Mississippi on and south of a line beginning at the Arkansas-Mississippi State line, thence along U.S. Highway 82 to junction U.S. Highway 49E, thence along U.S. Highway 49E to junction Mississippi Highway 12, thence along Mississippi Highway 12 to junction Mississippi Highway 19, thence along Mississippi Highway 19 to the Mississippi-Alabama State line, and that part of Arkansas on and south of a line beginning at the Oklahoma-Arkansas State line, thence along U.S. Highway 271 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Arkansas Highway 270, thence along Arkansas Highway 270 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction Arkansas Highway 8, thence along Arkansas Highway 8 to junction Arkansas Highway 4, thence along Arkansas Highway 4 to junction Arkansas Highway 35, thence along Arkansas Highway 35 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Mississippi-Arkansas State line, and to points in Louisiana. The purpose of this filing is to eliminate the gateways of points in Kansas, and Claremore, Okla.

No. MC 114211 (Sub-No. E184) filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Farm tractors and parts thereof*, from Racine, Wis., to points in Colorado, Kansas, and that part of Nebraska on and south of a line beginning at the Missouri-Nebraska State line, thence along Nebraska Highway 2 to junction Nebraska Highway 43, thence along Nebraska Highway 43 to junction Nebraska Highway 33, thence along Nebraska Highway 33 to junction Iowa Highway 6, thence along Iowa Highway 6 to junction Nebraska Highway 44, thence along Nebraska Highway 44 to junction Nebraska Highway 10, thence along Nebraska Highway 10 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction Interstate Highway 385, thence along Interstate Highway 385 to the South Dakota-Nebraska State line. The purpose of this filing is to eliminate the gateways of points in DeWitt, Logan, Macon, or Sangamon Counties, Ill.

No. MC 114211 (Sub-No. E185), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Road building equipment*, from points in North Dakota to points in that part of Oklahoma on and east of U.S. Highway 281, and that part of Texas on, south, and

east of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 281 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 57, thence along U.S. Highway 57 to the International Boundary line between the United States and Mexico. The purpose of this filing is to eliminate the gateways of Canton, S. Dak., and points in Kansas.

No. MC 114211 (Sub-No. E264), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe and fittings therefore*, when moving with such pipe, from points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 283 to junction U.S. Highway 277, thence along U.S. Highway 277 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 377, thence along U.S. Highway 377 to Del Rio, and that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 281 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Oklahoma-Texas State line, to points in Wisconsin, Michigan, that part of Indiana on and north of U.S. Highway 24, that part of Illinois on and north of a line beginning at the Iowa-Illinois State line, thence along U.S. Highway 34 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction Illinois Highway 74, thence along Illinois Highway 74 to junction Illinois Highway 9, thence along Illinois Highway 9 to junction Illinois Highway 54, thence along Illinois Highway 54 to junction Illinois Highway 57, thence along Illinois Highway 57 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line, that part of Nebraska on, north, and east of a line beginning at the Iowa-Nebraska State line, thence along Nebraska Highway 92 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-South Dakota State line, that part of South Dakota on and east of a line beginning at the Nebraska-South Dakota State line, thence along U.S. Highway 81 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction U.S. Highway 281, thence along U.S. Highway 281 to the South Dakota-North Dakota State line, and that part of North Dakota on and east of a line beginning at the South Dakota-

North Dakota State line, thence along U.S. Highway 281 to junction North Dakota Highway 57, thence along North Dakota Highway 57 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction North Dakota Highway 1, thence along North Dakota Highway 1 to the International Boundary line between the United States and Canada. The purpose of this filing is to eliminate the gateway of the plantsite of the Grinn Pipe Company located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E294), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in North Dakota to points in that part of Missouri on and east of U.S. Highway 63. The purpose of this filing is to eliminate the gateway of Ft. Dodge, Iowa.

No. MC 115603 (Sub-No. E10), filed May 30, 1974. Applicant: TURNER BROS. TRUCKING CO., INC., P.O. Box 94626, Oklahoma City, Oklahoma 73109. Applicant's representative: Jack E. Turner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipelines; (2) *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; and (3) *Earth Drilling machinery and equipment*, and machinery, equipment, materials, supplies and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled.

(c) The production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, (a) between points in Mississippi on and east of a line beginning at the Mississippi Louisiana State line and extending along Mississippi Highway 27 to its junction

with U.S. Highway 51, thence along U.S. Highway 51 to its junction with U.S. Highway 49, thence along U.S. Highway 49 to its junction with U.S. Highway 49W, thence along U.S. Highway 49W to its junction with Mississippi Highway 14, thence along Mississippi Highway 14 to Mayersville, thence west along a straight line to the Mississippi-Louisiana State line, on the one hand, and, on the other, points in Texas on and west of a line beginning at the Texas-Arkansas State line and extending along Texas Highway 8 to its junction with Texas Highway 98, thence along Texas Highway 98 to its junction with U.S. Highway 67, thence along U.S. Highway 67 to its junction with U.S. Highway 259, thence along U.S. Highway 259 to its junction with Texas Highway 557, thence along Texas Highway 557 to its junction with Texas Highway 11, thence along Texas Highway 11 to its junction with Texas Highway 515, thence along Texas Highway 515 to its junction with Texas Highway 514, thence along Texas Highway 514 to its junction with Texas Highway 19, thence along Texas Highway 19 to its junction with Texas Highway 35, thence along Texas Highway 35 to its junction with Interstate Highway 30, thence along Interstate Highway 30 to its junction with Interstate Highway 635, thence along Interstate Highway 635 to its junction with Interstate Highway 20, thence along Interstate Highway 20 to its junction with U.S. Highway 377, thence along U.S. Highway 377 to its junction with Texas Highway 42, thence along Texas Highway 32 to its junction with Texas Highway 29, thence along Texas Highway 29 to its junction with U.S. Highway 290, thence along U.S. Highway 290 to its junction with U.S. Highway 67, thence along U.S. Highway 67 to the United States-Mexico International Boundary line.

(b) Between points in Mississippi, on the one hand, and, on the other, points in Texas on and west of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 259 to its junction with U.S. Highway 82, thence along U.S. Highway 82 to its junction with Texas Highway 121, thence along Texas Highway 121 to its junction with Texas Highway 5, thence along Texas Highway 5 to its junction with U.S. Highway 380, thence along U.S. Highway 380 to its junction with Texas Highway 67, thence along Texas Highway 67 to its junction with U.S. Highway 180, thence along U.S. Highway 180 to its junction with Texas Highway 351, thence along Texas Highway 351 to its junction with U.S. Highway 83, thence along U.S. Highway 83 to its junction with U.S. Highway 67, thence along U.S. Highway 67 to its junction with U.S. Highway 385, thence along U.S. Highway 385 to its junction with Texas Highway 118 thence along Texas Highway 118 to the United States-Mexico International Boundary line; (c) between points in Mississippi on and north of a line beginning at the Mississippi-Alabama State line and extending along U.S. Highway 69 to its

junction with U.S. Highway 32, thence along U.S. Highway 82 to its junction with U.S. Highway Alternate 45, thence along U.S. Highway Alternate 45 to its junction with Mississippi Highway 41, thence along Mississippi Highway 41 to its junction with Mississippi Highway 6, thence along Mississippi Highway 6 to its junction with Mississippi Highway 7, thence along Mississippi Highway 7 to its junction with U.S. Highway 78, thence along U.S. Highway 78 to the Mississippi-Tennessee State line, on the one hand, and, on the other, points in Texas on and west of a line beginning at the Texas-Arkansas State line and extending along Texas Highway 8 to its junction with U.S. Highway 67, thence along U.S. Highway 67 to its junction with U.S. Highway 259, thence along U.S. Highway 259 to its junction with Texas Highway 31, thence along Texas Highway 31 to its junction with U.S. Highway 77, thence along U.S. Highway 77 to its junction with U.S. Highway 87, thence along U.S. Highway 87 to the Gulf of Mexico at Port Lavaca.

(d) Between points in Mississippi on and north of a line beginning at the Mississippi-Alabama State line and extending along U.S. Highway 78 to its junction with Mississippi Highway 6, thence along Mississippi Highway 6 to its junction with Mississippi Highway 322, thence along Mississippi Highway 322 to Sherard, thence west along a straight line to the Mississippi-Arkansas State line, on the one hand, and, on the other, points in Texas on and west of a line beginning at Galveston on the Gulf of Mexico and extending along Interstate Highway 45 to its junction with U.S. Highway 290, thence along U.S. Highway 290 to its junction with U.S. Highway 183, thence along U.S. Highway 183 to the Texas-Oklahoma State line; and (e) between points in Mississippi on and east of a line beginning at the Mississippi-Tennessee State line and extending along U.S. Highway 45 to its junction with U.S. Highway 78, thence along U.S. Highway 78 to the Mississippi-Alabama State line, on the one hand, and, on the other, points in Texas on and west of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 69 to its junction with U.S. Highway 59, thence along U.S. Highway 59, to its junction with Interstate Highway 45 to Galveston on the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC 115603 (Sub-No. E12), filed May 30, 1974. Applicant: TURNER BROS. TRUCKING CO., INC., P.O. Box 94626, Oklahoma City, Okla. 73109. Applicant's representative: Jack E. Turner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and dis-

tribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipelines; (2) *machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; and (3) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells; between points in New Mexico, on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate the gateways of points in Oklahoma, Kansas, and Texas.

No. MC 115603 (Sub-No. E13), filed May 30, 1974. Applicant: TURNER BROS. TRUCKING CO., INC., P.O. Box 94626, Oklahoma City, Okla. 73109. Applicant's representative: Jack E. Turner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipe lines; (2) *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; and (3) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling

machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; (a) between points in Nebraska, on the one hand, and, on the other, points in New Mexico on and south of a line beginning at the New Mexico-Oklahoma State line and extending along New Mexico Highway 325 to its junction with New Mexico Highway 370, thence along New Mexico Highway 370 to its junction with New Mexico Highway 120, thence along New Mexico Highway 120 to its junction with Interstate Highway 25, thence along Interstate Highway 25 to its junction with Interstate Highway 40, thence along Interstate Highway 40 to the New Mexico-Arizona State line; and (b) between points in New Mexico, on the one hand, and, on the other, points in Nebraska on and east of a line beginning at the Nebraska-Colorado State line and extending along Nebraska Highway 11 to its junction with U.S. Highway 30, thence along U.S. Highway 30 to its junction with Nebraska Highway 27, thence along Nebraska Highway 27 to its junction at Oshkosh with unnumbered highway, thence along unnumbered highway to Nebraska Highway 250, thence along Nebraska Highway 250 to its junction with Nebraska Highway 87, thence along Nebraska Highway 87 to the Nebraska-South Dakota State line. The purpose of this filing is to eliminate the gateway of points in Oklahoma and Kansas.

No. MC 115603 (Sub-No. E14), filed May 30, 1974. Applicant: TURNER BROS. TRUCKING CO., INC., P.O. Box 94626, Oklahoma City, Okla. 73109. Applicant's representative: Jack E. Turner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof (except the stringing or picking up of pipe in connection with main or trunk pipelines); (2) *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; and (3) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or

in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities, and (d) the injection or removal of commodities into or from holes or wells, between points in New Mexico, on the one hand, and, on the other, points in South Dakota. The purpose of this filing is to eliminate the gateway of points in Kansas.

No. MC 115603 (Sub-No. E15), filed May 30, 1974. Applicant: TURNER BROS. TRUCKING CO., INC., P.O. Box 94626, Oklahoma City, Okla. 73109. Applicant's representative: Jack E. Turner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery materials, equipment and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof (except the stringing or picking up of pipe in connection with main or trunk pipelines); (2) *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; and (3) Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells.

(a) Between points in New Mexico, on the one hand, and, on the other, points in North Dakota between a line beginning at the North Dakota-South Dakota State line and extending along North Dakota Highway 8 to its junction with North Dakota Highway 23, thence along North Dakota Highway 23 to its junction with North Dakota Highway 1804, thence along North Dakota Highway 1804 to its junction with U.S. Highway 2, thence along U.S. Highway 2 to its junction with North Dakota Highway 40, thence along North Dakota Highway 40 to its junction with North Dakota Highway 50, thence along North Dakota Highway 50 to its junction with North Dakota High-

way 42, thence along North Dakota Highway 42 to the United States-Canada International Boundary line, and, a line beginning at the United States-Canada International Boundary line and extending along North Dakota Highway 30 to Lehr, thence along unnumbered highway to its junction with North Dakota Highway 3, and thence along North Dakota Highway 3 to the North Dakota-South Dakota State line; and (b) between points in North Dakota on and west of a line beginning at the United States-Canada International Boundary line and extending along North Dakota Highway 30 to Lehr, thence along unnumbered highway to North Dakota Highway 3, thence along North Dakota Highway 3 to the North Dakota-South Dakota State line, on the one hand, and, on the other, points in New Mexico on and east of a line beginning at the New Mexico-Colorado State line and extending along U.S. Highway 84 to its junction with New Mexico Highway 17, thence along New Mexico Highway 17 to its junction with New Mexico Highway 537, thence along New Mexico Highway 537 to its junction with New Mexico Highway 44, thence along New Mexico Highway 44 to its junction with New Mexico Highway 509, thence along New Mexico Highway 509 to its junction with New Mexico Highway 53, thence along New Mexico Highway 53 to its junction with Interstate Highway 40, thence west along Interstate Highway 40 to the New Mexico-Arizona State line. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 115603 (Sub-No. E16), filed May 30, 1974. Applicant: TURNER BROS. TRUCKING CO., INC., P.O. Box 94626, Oklahoma City, Okla. 73109. Applicant's representative: Jack E. Turner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies, and equipment* incidental to, or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, (a) between points in Colorado on and north of a line beginning at the Colorado-Wyoming State line and extending along Colorado Highway 318 to its junction with U.S. Highway 40, thence along U.S. Highway 40 to its junction with Colorado Highway 9, thence along Colorado Highway 9 to its junction with U.S. Highway 50, thence

along U.S. Highway 50 to its junction with unnumbered highway near Vine-land, thence south and east along unnumbered highway to its junction with Colorado Highway 389, thence along Colorado Highway 389 to the Colorado-New Mexico State line, on the one hand, and, on the other, points in New Mexico on and east of a line beginning at the New Mexico-Oklahoma State line and extending along New Mexico Highway 18 to its junction with U.S. Highway 54, thence along U.S. Highway 54 to its junction with U.S. Highway 70, thence along U.S. Highway 70 to its junction with New Mexico Highway 11, thence along New Mexico Highway 11 to the United States-Mexico International Boundary line; and (b) between points in Colorado on and east of a line beginning at the Colorado-Nebraska State line and extending along Colorado Highway 113 to its junction with U.S. Highway 138, thence along U.S. Highway 138 to its junction with U.S. Highway 6, thence along U.S. Highway 6 to its junction with Colorado Highway 63, thence along Colorado Highway 63 to its junction with U.S. Highway 34, thence along U.S. Highway 34 to the Colorado-Nebraska State line, on the one hand, and, on the other, points in New Mexico on and south of a line beginning at the New Mexico-Texas State line and extending along Interstate Highway 40 to its junction with Interstate Highway 25, thence along Interstate Highway 25 to its junction with Interstate Highway 10, thence along Interstate Highway 10 to the New Mexico-Texas State line. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC 115603 (Sub-No. E21), filed May 30, 1974. Applicant: TURNER BROS. TRUCKING CO., INC., P.O. Box 94626, Oklahoma City, Okla. 73109. Applicant's representative: Jack E. Turner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipe lines; (2) *machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; and (3) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and*

pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells; (a) between points in Louisiana, on the one hand, and, on the other, points in Missouri on and west of a line beginning at the Missouri-Iowa State line and extending along Missouri Highway 15 to its junction with U.S. Highway 54, thence along U.S. Highway 54 to its junction U.S. Highway 50, thence along U.S. Highway 50 to its junction with Missouri Highway 5, thence along Missouri Highway 5 to its junction with Missouri Highway 52, thence along Missouri Highway 52 to its junction with the Missouri Highway 13, thence along Missouri Highway 13 to its junction with U.S. Highway 54, thence along U.S. Highway 54 to its junction with Missouri Highway 39, thence along Missouri Highway 39 to the Missouri-Arkansas State line (points in Oklahoma)*.

(b) Between points in Missouri on and north of a line beginning at the Missouri-Illinois State line and extending along U.S. Highway 50 to its junction with Missouri Highway 5, thence along Missouri Highway 5 to its junction with Missouri Highway 52, thence along Missouri Highway 52 to its junction with Missouri Highway 18, thence along Missouri Highway 18 to the Missouri-Kansas State line, on the one hand, and, on the other, points in Louisiana on and west of a line beginning at the Louisiana-Arkansas State line and extending along U.S. Highway 167 to its junction with U.S. Highway 80, thence along U.S. Highway 80 to its junction with U.S. Highway 165, thence along U.S. Highway 165 to its junction with Louisiana Highway 1, thence along Louisiana Highway 1 to its intersection with U.S. Highway 190, thence along U.S. Highway 190 to its intersection with U.S. Highway BUS 61, thence along U.S. Highway BUS 61 to its junction with Interstate Highway 10, thence along Interstate Highway 10 to its junction with Louisiana Highway 1, thence along Louisiana Highway 1 to the Gulf of Mexico (points in Texas)*; and (c) between points in Missouri on and west of a line beginning at Missouri-Illinois State line and extending along U.S. Highway 50 to its junction with U.S. Highway 67, thence along U.S. Highway 67 to the Missouri-Arkansas State line and extending along Louisiana Highway 7 to its junction with U.S. Highway 71, thence along U.S. Highway 71 to its junction with Louisiana Highway 10, thence along Louisiana Highway 10 to its junction with U.S. Highway 167, thence along U.S. Highway 167 to its junction with U.S. Highway 90, thence along U.S. Highway 90 to its junction with Louisiana Highway 1, thence along Louisiana Highway 1 to the

Gulf of Mexico (points in Texas)*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 115603 (Sub-No. E23), filed May 30, 1974. Applicant: TURNER BROS. TRUCKING CO., INC., P.O. Box 94626, Oklahoma City, Okla. 73109. Applicant's representative: Jack E. Turner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipe lines, (2) *machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipelines rights-of-way; and (3) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells; between points in Louisiana, on the one hand, and, on the other, points in Nebraska. The purpose of this filing is to eliminate the gateways of points in Kansas, Oklahoma and Texas.

No. MC 115603 (Sub-No. E23), filed May 30, 1974. Applicant: TURNER BROS. TRUCKING CO., INC., P.O. Box 94626, Oklahoma City, Okla. 73109. Applicant's representative: Jack E. Turner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipelines, (2) *Machinery,*

equipment, materials, and supplies used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-ways; and (3) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Louisiana, on the one hand, and; on the other, points in South Dakota. The purpose of this filing is to eliminate the gateways of points in Kansas, Oklahoma and Texas.

No. MC 115603 (Sub-No. E24), filed May 30, 1974. Applicant: TURNER BROS. TRUCKING CO., Inc., P.O. Box 94626, Oklahoma, City, Okla. 73109. Applicant's representative: Jack E. Turner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof except the stringing or picking up of pipe in connection with main or trunk pipe lines; (2) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipelines rights-or-way; and (3) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Louisiana, on the one hand, and, on the other, points in North Dakota on and west of a line

beginning at the United States-Canada International Boundary line and extending along North Dakota Highway 30 to Lehr, thence along unnumbered highway to Ashley, and thence along North Dakota Highway 3 to the North Dakota-South Dakota State line. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 115603 (Sub-No. E25), filed May 30, 1974. Applicant: TURNER BROTHERS TRUCKING CO., INC., P.O. Box 94626, Oklahoma City, Oklahoma 73109. Applicant's representative: Jack E. Turner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies, and equipment* incidental to, or used in the construction, development, operation and maintenance of facilities for the discovery, development and production of natural gas and petroleum; and (2) *Earth drilling machinery and equipment, and machinery, equipment materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells; between points in Louisiana, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC 115603 (Sub-No. E26), filed May 30, 1974. Applicant: TURNER BROS. TRUCKING CO., INC., P.O. Box 94626, Oklahoma City, Oklahoma 73109. Applicant's representative: Jack E. Turner. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies, and equipment*, incidental to, or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; and (2) *Earth Drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Louisiana, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateways of points in Oklahoma.

No. MC 115603 (Sub-No. E27), filed May 30, 1974. Applicant: TURNER

BROS. TRUCKING CO., INC., P.O. Box 94626, Oklahoma City, Oklahoma 73109. Applicant's representative: Jack E. Turner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by products, and machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof; (1) between points in Louisiana, on the one hand, and, on the other, points in Arkansas on and west of a line beginning at the Arkansas-Missouri State line and extending along Arkansas Highway 221 to its junction with Arkansas Highway 21, thence along Arkansas Highway 21 to its junction with unnumbered highway 1 mile south of Boxley, thence along unnumbered highway to its junction with Arkansas Highway 16, thence along Arkansas Highway 16 to its junction with Arkansas Highway 21, thence along Arkansas Highway 21 to its junction with unnumbered highway 2 miles south of Salus, thence along unnumbered highway to its junction with Arkansas Highway 23, thence along Arkansas Highway 23 to its junction with U.S. Highway 71, thence along U.S. Highway 71 to its junction with Arkansas Highway 41, thence along Arkansas Highway 41 to its junction with Arkansas Highway 108, thence along Arkansas Highway 108 to the Arkansas-Oklahoma State line; and (2) between points in Louisiana on and south of a line beginning at the Louisiana-Texas State line and extending along Interstate Highway 10 to the Louisiana-Mississippi State line, on the one hand, and, on the other, points in Arkansas on and west of a line beginning at Arkansas-Missouri State line and extending along Arkansas Highway 201 to its junction with U.S. Highway 62, thence along U.S. Highway 62 to its junction with Arkansas Highway 14, thence along Arkansas Highway 14 to its junction with Arkansas Highway 27, thence along Arkansas Highway 27 to its junction with Arkansas Highway 7, thence along Arkansas Highway 7 to its junction with U.S. Highway 70, thence along U.S. Highway 70 to its junction with U.S. Highway 71, thence along U.S. Highway 71 to its junction with Arkansas Highway 32, thence along Arkansas Highway 32 to its junction with Arkansas Highway 41, thence along Arkansas Highway 41 to the Arkansas-Texas State line. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC 115603 (Sub-No. E28), filed May 30, 1974. Applicant: TURNER BROTHERS TRUCKING CO., INC., P.O. Box 94626, Oklahoma City, Oklahoma 73109. Applicant's representative: Jack E. Turner (same as above). Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products, and by-products, and *machinery, materials, equipment, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; (a) between points in Illinois, on the one hand, and, on the other, points in Arkansas on and west of a line beginning at the Arkansas-Louisiana State line and extending along U.S. Highway 7, to its junction with U.S. Highway 67, thence along U.S. Highway 67 to its junction with Arkansas Highway 355, thence along Arkansas Highway 355 to its junction with Arkansas Highway 27, thence along Arkansas Highway 27 to its junction with Arkansas Highway 19, thence along a straight line to its junction with Arkansas Highway 27 at Norman, thence along Arkansas Highway 27 to its junction with U.S. Highway 270, thence along U.S. Highway 270 to its junction with U.S. Highway 71, thence along Arkansas Highway 71 to its junction with Arkansas Highway 28, thence along Arkansas Highway 28 to Harvey, thence along a straight line to its junction with Arkansas Highway 309 at Paris, thence along Arkansas Highway 309 to its junction with Arkansas Highway 23, thence along Arkansas Highway 23 to its junction with Arkansas Highway 215, thence along Arkansas Highway 215 to its junction with unnumbered highway to its junction with U.S. Highway 71, thence along U.S. Highway 71 to its junction with unnumbered highway near West Fork, thence along unnumbered highway to its junction with Arkansas Highway 68, thence along Arkansas Highway 68 to its junction with Arkansas Highway 59, thence along Arkansas Highway 59 to the Arkansas-Missouri State line; and

(b) between points in Arkansas on and west of a line beginning at the Arkansas-Louisiana State line and extending along U.S. Highway 167 to its junction with Arkansas Highway 8, thence along Arkansas Highway 8 to its junction with Arkansas Highway 9, thence along Arkansas Highway 9 to its junction with U.S. Highway 270, thence along U.S. Highway 270 to its junction with Arkansas Highway 7, thence along Arkansas Highway 7, to its junction with Arkansas Highway 16, thence along Arkansas Highway 16 to its junction with Arkansas Highway 59, thence along Arkansas Highway 59 to the Arkansas-Missouri State line, on the one hand, and, on the other, points in Illinois on and north of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to its junction with U.S. Highway 45, thence along U.S. Highway 45 to its junction with Illinois Highway

54, thence along Illinois Highway 54 to its junction with U.S. Highway 136, thence along U.S. Highway 136 to its junction with Illinois Highway 10, thence along Illinois Highway 10 to its junction with unnumbered highway near Easton, thence along unnumbered highway to its junction with Illinois Highway 100, thence along Illinois Highway 100 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to its junction with U.S. Highway 54, thence along U.S. Highway 54 to the Illinois-Missouri State line. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC 115603 (Sub-No. E29), filed May 30, 1974. Applicant: TURNER BROTHERS TRUCKING CO., INC., P.O. Box 94626, Oklahoma City, Oklahoma 73109. Applicant's representative: Jack E. Turner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipe lines; (2) *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; and

(3) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; between points in Illinois on and west of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 51 to its junction with U.S. Highway 20, thence along U.S. Highway 20 to its junction with Illinois Highway 78, thence along Illinois 78 to its junction with U.S. Highway 34, thence along U.S. Highway 34 to its junction with U.S. Highway 67, thence along U.S. Highway 67 to its junction with U.S. Highway 24, thence along U.S. Highway 24 to its junction with Illinois

Highway 107, thence along Illinois Highway 107 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to its junction with U.S. Highway 54, thence along U.S. Highway 54 to the Illinois-Missouri State line, on the one hand, and, on the other, points in Mississippi on and west of a line beginning at the Louisiana-Mississippi State line and extending along U.S. Highway 84, to its junction with U.S. Highway 61, thence along U.S. Highway 61 to Woodville, thence along unnumbered Mississippi highway thru Turnbull to the Mississippi-Louisiana State line. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC 115603 (Sub-No. E35), filed May 30, 1974. Applicant: TURNER BROS. TRUCKING CO., INC., P.O. Box 94626, Oklahoma City, Okla. 73109. Applicant's representative: Jack E. Turner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, between points in South Dakota, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC 115603 (Sub-No. E37), filed May 30, 1974. Applicant: TURNER BROS. TRUCKING CO., INC., P.O. Box 94626, Oklahoma City, Okla. 73109. Applicant's representative: Jack E. Turner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies, and equipment* incidental to, or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission or commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Baca County, Colo., on the one hand, and, on the other, points in North Dakota on and west of a line beginning at the United States-Canada International Boundary line and extending along North Dakota Highway 30 to Lehr, thence along un-

numbered highway to Ashley, thence along North Dakota Highway 3 to the North Dakota-South Dakota State line. The purpose of this filing is to eliminate the gateway of points in Texas and Oklahoma.

No. MC 115603 (Sub-No. E40), filed May 30, 1974. Applicant: TURNER BROS. TRUCKING CO., INC., P.O. Box 94626, Oklahoma City, Okla. 73109. Applicant's representative: Jack E. Turner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in Colorado, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC 115841 (Sub-No. E8) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER November 13, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of Appendix I to the report of *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, when such commodities are foodstuffs, in vehicles equipped with mechanical refrigeration (except commodities in bulk), from points in that part of New York, N.Y., Commercial Zone, as defined by the Fifth Supplemental Report in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided in section 203 (b) (8) of the Interstate Commerce Act, to points in Alabama, Kentucky, Louisiana, Mississippi, Tennessee, and Virginia (*Springfield, N.J.), California, Oregon, and Washington (*Springfield, N.J., and Birmingham, Ala.), and Arkansas and points in Georgia on and west of Interstate Highway 75 (*Springfield, N.J., and Chattanooga, Tenn.); and (2) *meats* (except canned meats), and *dairy products*, in vehicles equipped with mechanical refrigeration, restricted against the transportation of said commodities when frozen, from the points in the origin territory described in (1) above to points in Oklahoma (*Springfield, N.J., and Birmingham, Ala.). The purpose of this filing is to eliminate the

gateways indicated by the asterisks. The purpose of this correction is to include the commodities of (2) above.

No. MC 119988 (Sub-No. E30), filed June 30, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Texas 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce Street, Dallas, Texas 75208. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *Newspaper supplements*, otherwise exempt from economic regulation under section 203(b) (7) of the Act when transported in mixed loads with printed advertising matter, from the facilities of the Oklahoma Publishing Co., Web Offset Division, at or near Oklahoma City,

Oklahoma to points in Pennsylvania (except points in Bucks, Delaware, Montgomery and Philadelphia Counties). The purpose of this filing is to eliminate the gateway of Independence, Kansas.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc. 74-30130 Filed 12-24-74; 8:45 am]

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PART II



DEPARTMENT OF LABOR

Wage and Hour Division



CHILD LABOR VIOLATIONS

Civil Money Penalties

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 579, 580]

CIVIL MONEY PENALTIES FOR CHILD LABOR VIOLATIONS

Assessment, Notice, Collection, and Administrative Proceedings

The Fair Labor Standards Amendments of 1974 (P.L. 93-259, 88 Stat. 55) amended section 16 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1069, 29 U.S.C. 216) to provide for the imposition of civil money penalties for violations of the child labor provisions of the Act and the regulations issued thereunder. To implement this amendment, it is proposed to amend Chapter V of Title 29 of the Code of Federal Regulations by adding thereto new Parts 579 and 580 as set forth below.

The proposed new Part 579 describes the violations for which civil money penalties may be imposed, establishes rules for the issuance of notices of penalty assessments, delineates the factors to be considered by the Secretary of Labor or the Secretary's authorized representative in assessing the amount of the penalty, provides for the filing of exceptions to the notice of penalty, and outlines the methods provided by the Act for collection of civil money penalties after their final determination.

The proposed new Part 580 sets forth the rules of practice governing administrative proceedings to be conducted when exceptions to notices of penalty are filed. These proceedings, as required by the Act, afford an opportunity for hearing in accordance with section 554 of Title 5, United States Code, before an administrative law judge. Provision is also made for final decision by an impartial appellate officer when exceptions are taken to the decision of the judge.

Interested persons may submit written data, views, or arguments concerning this proposal to the Administrator, Wage and Hour Division, Employment Standards Administration, United States Department of Labor, Washington, D.C. 20210, on or before February 10, 1975.

The new Parts 579 and 580 read as follows:

PART 579—CHILD LABOR VIOLATIONS—CIVIL MONEY PENALTIES

Sec.

579.1 Purpose and scope.

579.2 Definitions.

579.3 Violations for which penalty may be imposed.

579.4 Civil money penalties—notice; finality.

579.5 Assessing the penalty.

579.6 Exception to notice of penalty.

579.7 Administrative proceedings.

579.8 Collection and recovery of penalty.

AUTHORITY: Secs. 3, 11, 12, 16, 52 Stat. 1060, as amended, 1066, as amended, 1067 as amended, 1069 as amended; 29 U.S.C. 203, 211, 212, 216; Reorg. Plan No. 6 of 1950, 64 Stat. 1263, 5 U.S.C. App.; secs. 25, 29, 88 Stat. 72, 76; Secretary of Labor's Order No. 1371, 36 FR 8765; Employment Standards Order No. 174, 39 FR 33841.

§ 579.1 Purpose and scope.

(a) Section 16(e), added to the Fair Labor Standards Act of 1938, as amended, by the Fair Labor Standards Amendments of 1974, provides that:

Any person who violates the provisions of section 12, relating to child labor, or any regulation issued under that section, shall be subject to a civil penalty of not to exceed \$1,000 for each such violation. In determining the amount of such penalty, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, may be—

(1) deducted from any sums owing by the United States to the person charged;

(2) recovered in a civil action brought by the Secretary in any court of competent jurisdiction, in which litigation the Secretary shall be represented by the Solicitor of Labor; or

(3) ordered by the court, in an action brought for a violation of section 15(a) (4), to be paid to the Secretary.

Any administrative determination by the Secretary of the amount of such penalty shall be final, unless within fifteen days after receipt of notice thereof by certified mail the person charged with the violation takes exception to the determination that the violations for which the penalty is imposed occurred, in which event final determination of the penalty shall be made in an administrative proceeding after opportunity for hearing in accordance with section 554 of Title 5, United States Code, and regulations to be promulgated by the Secretary. Sums collected as penalties pursuant to this section shall be applied toward reimbursement of the costs of determining the violations and assessing and collecting such penalties, in accordance with the provisions of section 2 of an Act entitled "An Act to authorize the Department of Labor to make special statistical studies upon payment of the cost thereof, and for other purposes" [29 U.S.C. 9a].

(b) This part provides for the issuance of the notice of civil penalty for any violation of section 12 of the Act relating to child labor or any regulation issued under that section; describes the violations for which a penalty may be imposed and the factors to be considered by the Secretary of Labor or the Secretary's designated representative in assessing the amount of such a penalty; outlines the procedure for an exception to the determination that the violations occurred which may be filed by the person so charged; and summarizes the methods provided for collection and recovery of the penalty.

§ 579.2 Definitions.

As used in this part and Part 580 of this chapter—

"Act" means the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U.S.C. 201, et seq.);

"Administrative law judge" means a person appointed as provided in 5 U.S.C. 3105 and Subpart B of Part 930 of Title 5 of the Code of Federal Regulations, and qualified to preside at hearings under 5 U.S.C. 554-557.

"Administrator" means the Administrator of the Wage and Hour Division, Employment Standards Administration, United States Department of Labor, and includes an authorized representative designated by the Administrator to perform any of the functions of the Administrator under this part and Part 780 of this chapter.

"Agency" has the meaning given it by 5 U.S.C. 551.

"Appellate officer" means the impartial representative of the Secretary of Labor designated by authority of the Secretary to make final decisions on behalf of the Secretary in administrative proceedings conducted pursuant to Part 780 of this chapter in those cases in which exceptions are filed to a decision of an administrative law judge.

"Chief Administrative Law Judge" means the Chief Administrative Law Judge, Office of Administrative Law Judges, U.S. Department of Labor, Washington, D.C. 20210.

"Department" means the United States Department of Labor.

"Person" includes any individual, partnership, corporation, association, business trust, legal representative, or organized group of persons.

"Secretary" means the Secretary of Labor, United States Department of Labor, or an authorized representative of the Secretary.

"Solicitor of Labor" means the Solicitor, United States Department of Labor, and includes attorneys designated by the Solicitor to perform functions of the Solicitor under this part and Part 780 of this chapter.

§ 579.3 Violations for which penalty may be imposed.

(a) *What constitutes the violation.* Each of the following constitutes a violation of the Act and/or the Secretary's regulations for which a penalty as provided by section 16(e) of the Act and this part may be imposed, unless employment of the minor or minors referred to is shown to come within a specific exemption or exception described in paragraph (c) of this section:

(1) Each shipment or delivery for shipment in commerce by a producer, manufacturer, or dealer of any goods produced in an establishment situated in the United States in or about which, within thirty days prior to the removal of such goods therefrom, there has been employed any minor as described in paragraph (b) of this section.

(2) Each employment by an employer of any minor as described in paragraph (b) of this section, for any period in commerce or in the production of goods for commerce or in any enterprise engaged in commerce or in the production of goods for commerce;

(3) The failure by an employer employing any minor described in 29 CFR 570.22 to obtain from such minor proof of age as required by the regulations in such section;

(4) The failure by an employer employing any minor described in 29 CFR

570.22 to maintain and preserve in employment records, as required by such section, evidence of the proof of age obtained from such minor;

(5) The failure by an employer employing any minor for whom records must be kept under any provision of 29 CFR Part 516 or of 29 CFR Part 545 to maintain and preserve, as required by such provision, such records concerning the date of the minor's birth and concerning the proof of the minor's age as are specified therein; and

(6) The failure by an employer employing any minor subject to any provision of 29 CFR Part 570, to take or cause to be taken such action as is necessary to assure compliance with all requirements of such provision which, by the regulations in such part, are made conditions for lawful employment of such minor.

(b) *Minors whose employment may result in violation.* The violations described in paragraph (a) may result from employment of any of the following minors as described:

(1) Any minor under the age of 18 years in any occupation (other than in agriculture) in which employment, as set forth in Subpart E of Part 570 of this chapter, has been found and declared by the Secretary to be particularly hazardous for or detrimental to the health or well-being of minors below such age;

(2) Any minor under the age of 16 years—

(i) In agriculture during school hours for the school district where such minor is living while so employed; or

(ii) In agriculture in any occupation found and declared by the Secretary as set forth in Subpart E-1 of Part 570 of this chapter, to be particularly hazardous for the employment of minors below such age; or

(iii) In any manufacturing or mining occupation; or

(iv) In any other occupation other than in agriculture unless it is established that such minor is at least 14 years of age and the employment of such minor in such occupation is specifically permitted by and in accord with regulations of the Secretary as set forth in Subpart C of Part 570 of this chapter;

(3) Any minor under the age of 14 years—

(i) In any occupation other than in agriculture; or

(ii) In agriculture, outside of school hours for the school district where such minor is living while so employed, unless it is established either—

(A) That such minor is not less than 12 years of age and either (1) that such employment is with the written consent of a parent or person standing in place of a parent of such minor, or (2) that such employment is on the same farm where such parent or person is also employed; or

(b) That such minor, if less than 12 years of age, is employed as described in paragraph (b) (4) (i) or (b) (4) (ii) of this section; and

(4) Any minor under the age of 12 years, unless it is established that such minor is employed in agriculture outside of school hours for the school district where such minor is living while so employed, and—

(i) Is employed by a parent or by a person standing in place of a parent of such minor, on a farm owned or operated by such parent or person; or

(ii) Is employed with the written consent of a parent or person standing in place of a parent of such minor, on a farm where, because of the provisions of section 13(a) (6) of the Act, none of the employees are required to be paid at the wage rate prescribed by section 6(a) (5) of the Act.

(c) *Exemptions and exceptions.* Conduct which otherwise might constitute a violation of the Act as described in paragraphs (a) (b) of this section may be shown to be not violative of the child labor provisions by evidence that a specific exemption or exception provided in the Act makes such conduct permissible. Thus, the Act provides:

(1) That none of the child labor provisions of section 12 shall apply to (i) any child employed as an actor or performer in motion pictures or theatrical productions, or in radio or television productions; (ii) any employee engaged in the delivery of newspapers to the consumer; (iii) any homemaker engaged in the making of wreaths composed principally of natural holly, pine, cedar, or other evergreens (including the harvesting of the evergreens or other forest products used in making such wreaths); or (iv) any employee whose services during the workweek are performed in a workplace within a foreign country or within territory under the jurisdiction of the United States other than the States, territories, and possessions listed in section 13(f) of the Act (see Act, sections 13(c) (3), 13(d), 13 (f));

(2) That, with respect to the violations described in paragraph (a) (1) of this section, any such shipment or delivery for shipment of such goods by a purchaser who acquired them in good faith in reliance on written assurance from the producer, manufacturer, or dealer that the goods were produced in compliance with the requirements of section 12 of the Act, and who acquired such goods for value without notice of any such violation, shall not be deemed prohibited (see Act, section 12(a) and 29 CFR Part 789);

(3) That, with respect to violations described in paragraph (a) (2) of this section resulting from employment of minors as described in paragraph (b) (2) (iv), a parent or person standing in place of a parent may lawfully employ his or her own child or a child in his or her custody under the age of 16 years in an occupation other than (i) manufacturing or (ii) mining or (iii) an occupation found and declared by the Secretary of Labor to be particularly hazardous for the employment of children between the ages of 16 and 18 years or detrimental to their health or well-being, and an em-

ployer may lawfully employ a young worker between 14 and 16 years of age in an occupation permitted and under conditions prescribed by 29 CFR Part 570, Subpart C;

(4) That, with respect to violations described in paragraph (a) (2) of this section resulting from employment of minors in agriculture as described in paragraph (b) (2) (ii), a parent or person standing in place of a parent may lawfully employ on a farm owned or operated by such parent or person, his or her own child or a child in his or her custody under the age of 16 years in an occupation in agriculture found and declared by the Secretary of Labor to be particularly hazardous for the employment of children below such age;

(5) That, with respect to violations described in paragraph (a) (2) of this section resulting from employment of minors in agriculture as described in paragraph (b) (3) (ii), employment of minors 12 or 13 years of age is lawful under the conditions prescribed in paragraph (b) (3) (i) (A) of this section and employment of minors under 12 years of age is lawful under the conditions prescribed in paragraph (b) (3) (i) (B) of this section; and

(6) That, with respect to violations described in paragraph (a) (2) of this section resulting from employment of minors in agriculture as described in paragraph (b) (4), employment of minors under 12 years of age is lawful under the conditions prescribed in paragraph (b) (4) (i) or (ii) of this section.

§ 579.4 Civil money penalties—notice; finality.

(a) In any instance when the Secretary finds, upon evidence resulting from an investigation pursuant to the provisions of section 11 of the Act, that there has been a violation by any person of section 12 of the Act relating to child labor or of any regulation issued under that section, and that imposition of a civil money penalty for such violation pursuant to section 16(e) of the Act is appropriate, the Secretary shall assess such penalty in accordance with the provisions of § 579.5 and shall issue and transmit to such person by certified mail a notice of penalty describing each such violation and stating the amount of the penalty assessed therefor. Information shall be included with the notice of penalty concerning the right of the person so charged to file an exception thereto and the procedure to be followed.

(b) If the person charged with violation does not, within 15 days after receipt of the notice, take exception to the determination that the violation or violations for which the penalty is imposed occurred, the administrative determination by the Secretary of the amount of such penalty shall be deemed final, and collection and recovery of the penalty shall be instituted pursuant to § 579.8 of this part.

(c) If the person charged with the violation files, within 15 days after receipt of the notice, an exception to the

determination that the violation or violations for which the penalty is imposed occurred, the final determination of the penalty shall be made in an administrative proceeding after opportunity for hearing in accordance with section 554 of Title 5, United States Code, and regulations of the Secretary in Part 580 of this chapter.

§ 579.5 Assessing the penalty.

(a) The administrative determination of the amount of the civil penalty, of not to exceed \$1,000 for each violation of section 12 of the Act relating to child labor or of any regulation issued under that section shall be based on the available evidence of the violation or violations and shall take into consideration the size of the business of the person charged and the gravity of the violation as provided in paragraphs (b) through (d) of this section.

(b) In determining the amount of such penalty there shall be considered the appropriateness of such penalty to the size of the business of the person charged with the violation or violations, taking into account the number of employees employed by that person (and if the employment is in agriculture, the man-days of hired farm labor used in pertinent calendar quarters), dollar volume of sales or business done, amount of capital investment and financial resources, and such other information as may be available relative to the size of the business of such person.

(c) In determining the amount of such penalty there shall be considered the appropriateness of such penalty to the gravity of the violation or violations, taking into account, among other things, any history of prior violations; any evidence of willfulness or failure to take reasonable precautions to avoid violations; the number of minors illegally employed; the age of the minors so employed and records of the required proof of age; the occupations in which the minors were so employed; exposure of such minors to hazards and any resultant injury to such minors; the duration of such illegal employment; and, as appropriate, the hours of the day in which it occurred and whether such employment was during or outside school hours.

(d) Based on all the evidence available, including the investigation history of the person so charged and the degree of willfulness involved in the violation, it shall further be determined, where appropriate,

(1) Whether the evidence shows that the violation is "de minimis" and that the person so charged has given credible assurance of future compliance, and whether a civil penalty in the circumstances is necessary to achieve the objectives of the Act; or

(2) Whether the evidence shows that the person so charged had no previous history of child labor violations, that the violations themselves involved no intentional or heedless exposure of any minor to any obvious hazard or detriment to health or well-being and were inadvertent, and that the person so charged has

given credible assurance of future compliance, and whether a civil penalty in the circumstances is necessary to achieve the objectives of the Act.

(e) An administrative determination of the amount of the civil money penalty for a particular violation or particular violations of section 12 relating to child labor or any regulation issued under that section shall become final 15 days after receipt of the notice of penalty by certified mail by the person so charged unless such person has, pursuant to § 579.6, filed with the Secretary an exception to the determination that the violation or violations for which the penalty is imposed occurred.

(f) A determination of the penalty made in an administrative proceeding after opportunity for hearing as provided in section 16(e) of the Act and pursuant to Part 580 of this chapter shall be final.

§ 579.6 Exception to notice of penalty.

(a) An exception to the determination that the child labor violation or violations, for which the penalty is imposed, occurred may be filed within 15 days after receipt of the notice of penalty by the person so charged.

(b) An exception to such determination shall be filed with the Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210.

(c) No particular form is prescribed for the exception to the notice of penalty. However, the exception shall be typewritten, shall be directed to the issue of the occurrence of the alleged violations, and shall state the reasons why the person charged contends that the determination regarding their occurrence is in error. The exception shall be signed by the person so charged or by such person's attorney or other authorized representative.

(d) In computing the 15 days allowed for filing exception to the determination that the violation or violations occurred, Saturdays, Sundays, and holidays shall be included, but when such time expires on such a day, such period shall be extended to include the next following day which is not such a day.

§ 579.7 Administrative proceedings.

Upon receipt of an exception to a notice of penalty under this part the Administrator shall refer the matter to the Chief Administrative Law Judge who shall assign the matter to an administrative law judge for hearing and final determination of the penalty. The rules of practice for such administrative proceedings are set forth in Part 580 of this chapter.

§ 579.8 Collection and recovery of penalty.

(a) When the determination of the amount of any civil money penalty provided for in this part becomes final under § 579.4(b) in accordance with the administrative assessment thereof, or under § 579.4(c) pursuant to the decision and

order of an administrative law judge or the appellate officer in an administrative proceeding as provided in Part 580 of this chapter, the amount of the penalty as thus determined is immediately due and payable to the United States Department of Labor. The person against whom such penalty has been assessed or imposed shall promptly remit the amount thereof, as finally determined, to the Secretary by certified check or by money order, made payable to the order of "Wage and Hour Division, Labor." Such remittance may be delivered or mailed to the Regional Office, Wage and Hour Division, for the area in which the violations for which the penalty was assessed occurred, where the penalty has become final under § 579.4(b). Where the penalty has been finally determined as provided in § 579.4(c) in an administrative proceeding, the remittance should be made through the counsel representing the Secretary before the administrative law judge or before the appellate officer, as the case may be. If the person from whom the penalty is due fails to remit the amount thereof within 30 days after such amount is finally determined, proceedings for collection or recovery thereof may be instituted as provided in paragraph (b) of this section.

(b) Pursuant to the provisions of the Act set forth in § 579.1, the amount of penalty, finally determined as provided in § 579.4 (b) or (c), may be:

(1) Deducted from any sums owing by the United States to the person charged. To effect this, any agency having sums owing from the United States to such person shall, on the request of the Secretary, withhold the specific amount of the penalty from the sums owed to the person so charged and remit that amount to the Secretary to satisfy the amount of the penalty assessed;

(2) Recovered in a civil action brought by the Secretary in any court of competent jurisdiction, in which litigation the Secretary shall be represented by the Solicitor of Labor. When the person against whom a final determination assessing a civil money penalty has been made does not voluntarily remit the amount of such penalty to the Secretary within a reasonable time after notification to do so, the Solicitor of Labor may institute such an action to recover the amount of the penalty; or

(3) Ordered by the court, in an action brought for a violation of section 15(a)(4), to be paid to the Secretary. Section 15(a)(4) of the Act makes any violation of the provisions of section 12 unlawful. Any such unlawful act or practice may be enjoined by the United States district courts under section 17 upon court action, filed by the Secretary pursuant to section 12(b); and failure of the person so enjoined to comply with the court order may subject such person to contempt proceedings. A willful violation of section 12 of the Act may subject the offender to the penalties provided in section 16(a) of the Act, enforced by the Department of Justice in criminal proceedings in the United States courts. In any of the foregoing civil or criminal

proceedings, the court may order the payment to the Secretary of the civil penalty finally assessed by the Secretary.

(c) As provided in section 16(e) of the Act, the sums collected as penalties pursuant to the provisions of that section and of this part shall be applied by the Secretary toward the reimbursement of the costs of determining the violations and assessing and collecting such penalties, in accordance with the provisions of section 9a of Title 29 of the United States Code.

PART 580—CIVIL PENALTIES FOR CHILD LABOR VIOLATIONS—RULES OF PRACTICE FOR ADMINISTRATIVE PROCEEDINGS

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AUTHORITY: Secs. 3, 11, 12, 16, 52 Stat. 1060, as amended, 1066, as amended, 1067, as amended, 1069, as amended; 29 U.S.C. 203, 211, 212, 216; Reorg. Plan No. 6 of 1950, 64 Stat. 1263, 5 U.S.C. App.; secs. 25, 29, 88 Stat. 72, 76; Secretary of Labor's Order No. 1371, 36 FR 8755; Employment Standards Order No. 174, 39 FR 33841; 5 U.S.C. 500, 503, 551559.

GENERAL

§ 580.1 Applicability of rules; definitions.

(a) This part provides the rules of practice for administrative proceedings relating to determination of civil penalties for violation of the child labor provisions of the Fair Labor Standards Act of 1938, as amended by the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259, 88 Stat. 55), and of the regulations issued thereunder. See also

Part 579 of this chapter for rules governing the issuance of notices of penalty for violations of section 12 of the Act and of the regulations issued under such section relating to child labor.

(b) The definitions set forth in § 579.2 of Part 579 of this chapter are applicable to the terms therein defined wherever used in this part.

COMMENCEMENT OF PROCEEDING

§ 580.2 Notice of penalty and exception thereto.

Any person charged with violation or violations of section 12 of the Act relating to child labor or any regulation issued under that section who receives a notice of such charge and of the assessment of a penalty or penalties therefor issued by the Secretary as provided in § 579.4 of this chapter may obtain a hearing thereon under the provisions of this part by filing with the Administrator, within 15 days after receipt of such notice and as provided in § 579.6 of this chapter, an exception to the determination that the violations for which the penalty is imposed occurred.

§ 580.3 Action pursuant to exception.

(a) Upon timely receipt of an exception to the determination of the violations charged in the notice of penalty, the Administrator shall promptly by order refer the matter, as provided in § 579.7 of this chapter, to the Chief Administrative Law Judge for the final determination in an administrative proceeding as provided in this part, with opportunity for hearing before an administrative law judge, of the issues with respect to the alleged violations and any penalties therefor.

(b) The Administrator, with such order of referral, shall transmit an authenticated copy of the notice of penalty excepted to, together with the exception signed and filed by the person charged with the violations. These shall be filed of record in the Office of Administrative Law Judges and shall, respectively, be given the effect of a complaint and answer thereto for purposes of the administrative proceeding, subject to such amendment as may be permitted under the provisions of this part.

(c) The proceeding shall be identified of record by, and any motions, pleadings, briefs, or other formal documents filed and docketed therein should carry, a number preceded by the letters "CL" and a caption identifying "Secretary of Labor" as plaintiff and the person charged with violations, by name, as respondent.

(d) After the notice of penalty and exception referred to the Chief Administrative Law Judge by the Administrator have been filed of record, the Chief Administrative Law Judge shall promptly designate an administrative law judge to conduct the proceeding in accordance with section 554 of Title 5, United States Code and the provisions of this part, and shall refer the matter to such judge for further action.

(e) Whenever a proceeding under this part is commenced by referral of the notice of penalty and exception thereto

to the Chief Administrative Law Judge, the Administrator shall cause to be served on the person charged with the violations a copy of the order making such referral, together with a copy of the regulations in this Part 580.

§ 580.4 Notice of hearing.

The administrative law judge to whom the matter is referred shall, within 10 days following such referral, notify the parties by certified mail of a time and place set for hearing thereon or for a prehearing conference to be held as provided in § 580.6 of this part, or both. No date earlier than 14 days after the date of such notice shall be set for such hearing or such conference, except by agreement of the parties. Service of such notice shall be made upon the parties as provided in § 580.8.

§ 580.5 Supplemental pleadings.

If, upon review of the notice of penalty and the exception thereto, it appears to either party that such document as originally drafted by such party requires supplementation in order to clarify the issues for a hearing thereon, an amended complaint may be filed by the Secretary or an amended answer may be filed by respondent, as the case may be. Such supplemental pleading shall be filed with the Chief Administrative Law Judge, Washington, D.C. 20210, with proof of service upon the opposing party, at least 10 days prior to the date set for hearing or for a prehearing conference by the administrative law judge before whom the matter is pending, unless the time for filing such document is extended by the judge. If an amended complaint is filed by the Secretary, the respondent shall be entitled, if he or she desires to do so, to file with the Chief Administrative Law Judge an amended answer in response within 10 days after service upon the respondent of such amended complaint.

SERVICE UPON PARTIES OF PLEADINGS AND DOCUMENTS

§ 580.8 Manner of service.

Service upon any party of a pleading or document shall be made by delivering a copy or mailing a copy to the last known address. When a party is represented by an attorney, service shall be made upon the attorney.

§ 580.9 Proof of service.

A certificate of the person serving the pleading or other document by personal delivery or by mailing, setting forth the manner of said service shall be proof of the service.

§ 580.10 Service upon Department of Labor; number of copies.

An original and three copies of all pleadings and other documents shall be filed with the Department of Labor, the original with the Chief Administrative Law Judge, U.S. Department of Labor, Washington, D.C. 20210, and the copies

with the attorney representing the Department in the proceeding or the Associate Solicitor for General Legal Services, U.S. Department of Labor, Washington, D.C. 20210.

PROCEDURES BEFORE ADMINISTRATIVE LAW JUDGE, GENERALLY

§ 580.11 Authority of administrative law judge.

(a) *General powers.* In any proceeding under this part, the administrative law judge shall have all powers necessary to the conduct of fair and impartial hearings, including the following:

- (1) To administer oaths and affirmations;
- (2) To issue subpoenas upon proper applications as provided in § 580.14;
- (3) To rule upon offers of proof and receive relevant evidence;
- (4) To take or cause to be taken depositions and to determine their scope;
- (5) To regulate the course of the hearing and the conduct of the parties and their counsel therein;
- (6) To hold conferences for the settlement or simplification of the issues by consent of the parties;
- (7) To consider and rule upon procedural requests;
- (8) To make and file decisions in conformity with this part;
- (9) To take any action authorized by the rules in this part or in conformance with the Administrative Procedure Act; and
- (10) To exercise, for the purpose of the hearing and in regulating the conduct of the proceeding, such powers vested in the Secretary by section 9 of the Act as are necessary and appropriate therefor.

(b) *Consultation.* The administrative law judge shall not consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate.

(c) *Disqualification.* (1) When an administrative law judge deems himself/herself disqualified to preside in a particular proceeding, such judge shall withdraw therefrom by notice on the record directed to the Chief Administrative Law Judge.

(2) Whenever any party shall deem the administrative law judge for any reason to be disqualified to preside, or to continue to preside, in a particular proceeding, that party shall file with the Chief Administrative Law Judge a motion to disqualify and remove such administrative law judge, such motion to be supported by affidavits setting forth the alleged grounds for disqualification. The Chief Administrative Law Judge shall rule upon the motion.

(3) In the event of disqualification of an administrative law judge as provided in paragraph (c) (1) or paragraph (c) (2) of this section, the Chief Administrative Law Judge shall refer the matter to another administrative law judge for further proceedings.

§ 580.12 Appearances; representation of parties.

Counsel designated by the Solicitor of Labor shall represent the Secretary and

appear for the Secretary in any proceeding under this part. Respondents shall have the right to appear by or with counsel of their choice, who shall qualify for such representation as provided in 5 U.S.C. 500(b). If not represented by counsel, respondents may appear in person or through authorized agents and may submit necessary documents with their own signatures.

§ 580.13 Motions and requests.

Motions or requests shall be in writing, filed with the Chief Administrative Law Judge, and copies served upon the other parties to the proceeding, except that motions or requests made during the course of any hearing or appearance before the administrative law judge shall be filed with such judge or shall be stated orally and made part of the transcript. Each motion or request shall state the particular order, ruling, or action desired, and the grounds therefor. The administrative law judge is authorized or made prior to the filing of the judge's decision as provided in § 580.32.

§ 580.14 Subpoenas.

All applications for subpoenas *ad testificandum* and subpoenas *duces tecum* shall be made in writing to the administrative law judge. Applications for subpoenas *duces tecum* shall specify as exactly as possible the documents to be produced, showing their general relevancy and reasonable scope.

§ 580.15 Witnesses and fees.

(a) The administrative law judge, either at the request of the parties or upon the judge's own motion, may request persons to appear to testify as witnesses, where such action is deemed necessary to serve the purposes of the hearing.

(b) Witnesses subpoenaed by any party or by the administrative law judge shall be paid the same fees and mileage as are paid for like services in the district courts of the United States. The witness fees and mileage shall be paid by the party at whose instance the witnesses appear.

§ 580.16 Depositions.

(a) *When, how, and by whom taken.* For good cause shown, the testimony of any witness may be taken by deposition. Depositions may be taken orally or upon written interrogatories before any person designated by the administrative law judge and having power to administer oaths.

(b) *Application.* Any party desiring to take the deposition of a witness shall make application in writing to the administrative law judge, setting forth the reasons why such deposition should be taken; the time when, the place where, and the name and post office address of, the person before whom the deposition is to be taken; the name and address of each witness from whom a deposition is to be taken; and the subject matter concerning which each such witness is expected to testify.

(c) *Notice.* Such notice as the administrative law judge shall order shall be given for the taking of a deposition, but

this shall not be less than 5 days' written notice when the deposition is to be taken within the United States and not less than 20 days' written notice when the deposition is to be taken elsewhere.

(d) *Taking and receiving in evidence.* Each witness testifying upon deposition shall be sworn, and the adverse party shall have the right to cross-examine. The questions propounded and the answers thereto, together with all objections made, shall be reduced to writing, read to and subscribed by the witness, and certified by the officer. Thereafter, the officer shall seal the deposition, with two copies thereof, in an envelope and mail the same by certified mail to the administrative law judge. Subject to such objections to the questions and answers as were noted at the time of taking the deposition and would be valid were the witness personally present and testifying, such deposition may be read and offered in evidence by the party taking it as against any party who was present or represented at the taking of the deposition or who had due notice thereof. No part of a deposition shall be admitted in evidence unless there is a showing that the reasons for the taking of the deposition in the first instance exist at the time of hearing.

§ 580.17 Prehearing conferences.

(a) Upon motion of the parties or when deemed appropriate by the administrative law judge, the judge may direct the parties or their counsel to meet with the judge for a conference to consider:

- (1) Simplification of the issues;
- (2) Necessity or desirability of amendments to pleadings for purposes of clarification, simplification, or limitation;
- (3) Stipulations, admissions of fact and of contents and authenticity of documents;
- (4) Limitation of the number of expert witnesses; and
- (5) Such other matters as may tend to expedite the disposition of the proceeding.

(b) The record shall show the matters disposed of by order and by agreement in such pretrial conferences. The subsequent course of the proceeding shall be controlled by such action.

§ 580.18 Consent findings and order.

(a) *General.* At any time after the commencement of a proceeding under this part and prior to the reception of evidence in any such proceeding, a party may move to defer the receipt of any evidence for a reasonable time to permit negotiation of an agreement containing consent findings and an order disposing of the whole or any part of the proceeding. The allowance of such deferment and the duration thereof shall be in the discretion of the administrative law judge, after consideration of the nature of the proceeding, the requirements of the public interest, the representations of the parties, and the probability of an agreement being reached which will result in a just disposition of the issues involved.

(b) *Content.* Any agreement containing consent findings and an order disposing of a proceeding shall also provide:

(1) That the order shall have the same force and effect as an order made after full hearing;

(2) That the entire record on which any order may be based shall consist solely of the notice of penalty (or amended complaint, if one is filed), and the agreement;

(3) A waiver of any further procedural steps before the administrative law judge and the appellate officer; and

(4) A waiver of any right to challenge or contest the validity of the findings and order entered into in accordance with the agreement.

(c) *Submission.* On or before the expiration of the time granted for negotiations, the parties or their counsel may:

(1) Submit the proposed agreement for consideration by the administrative law judge; or

(2) Inform the administrative law judge that agreement cannot be reached.

(d) *Disposition.* In the event an agreement containing consent findings and an order is submitted within the time allowed therefor, the administrative law judge, within 30 days thereafter, shall, if satisfied with its form and substance, accept such agreement by issuing his/her decision based upon the agreed findings.

§ 580.19 Computation of time.

Saturdays, Sundays, and holidays shall be included in computing the time allowed for filing any document or paper under this part, but when such time expires on such a day, such period shall be extended to include the next following day which is not such a day.

HEARINGS

§ 580.21 Hearing procedures generally.

(a) Pursuant to notice given as provided in § 580.4, the designated administrative law judge shall hold such hearings as provided in this part as are necessary for determination of the issues submitted for decision, exercising the powers set forth in § 580.11 and conducting the proceeding in accordance with the provisions of 5 U.S.C. 554. In any such hearing the burden of proving the violations alleged shall be upon the Secretary and except as may be determined otherwise by the administrative law judge, counsel for the Secretary shall proceed first at the hearing. The hearing shall be open to the public, unless otherwise ordered by the administrative law judge.

(b) If any party to the proceeding, after being properly served with notice of the hearing, should fail to appear at the hearing, the matter may be set for further hearing upon notice, but a party who is present shall first have an election to present such party's evidence in whole or such portion thereof sufficient to make a prima facie case in which event the administrative law judge may make a decision without further hearing. Failure to appear at a hearing shall not be deemed to be a waiver of the right to be

served with a copy of the administrative law judge's decision.

(c) Contemptuous conduct at any hearing shall be ground for exclusion from the hearing.

§ 580.22 Evidence at the hearing.

(a) *In general.* The testimony of witnesses shall be upon oath or affirmation administered by the administrative law judge and shall be subject to such cross-examination as may be required for a full and true disclosure of the facts. The administrative law judge shall exclude evidence which is immaterial, irrelevant, or unduly repetitious.

(b) *Objections.* If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination or the failure to limit such scope, such party shall state briefly the grounds for such objection. Rulings on all objections shall appear in the record. Only objections made before the administrative law judge may be relied upon subsequently in the proceeding. Formal exception to an adverse ruling is not required.

(c) *Failure or refusal of witness to appear or answer.* The failure or refusal of a witness to appear at any hearing or to answer any question which has been ruled to be proper shall be grounds for the action provided in sections 49 and 50 of Title 15, United States Code, pursuant to the provisions of section 9 of the Act, and, in the discretion of the administrative law judge, for striking out all or part of the testimony which may have been given by such witness.

§ 580.23 Official notice.

Official notice may be taken of any material fact not appearing in evidence in the record, which is among the traditional matters of judicial notice and also concerning which the Department by reason of its functions is presumed to be expert: *Provided*, That the parties shall be given adequate notice, at the hearing or by reference in the administrative law judge's decision of the matters so noticed, and shall be given adequate opportunity to show the contrary.

§ 580.24 Transcripts.

Hearings shall be stenographically reported. Copies of the transcript may be obtained by the parties upon written application to the Department at fees fixed in accordance with section 11 of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770, 5 U.S.C. App.) and Part 70 of this title.

POST-HEARING PROCEDURES

§ 580.31 Proposals by the parties.

At the end of the hearing, the administrative law judge shall afford any party a reasonable period of time, but not less than 15 days, to file proposed findings of fact, conclusions of law, and a proposed order, together with a supporting brief expressing the reasons for such proposals. Such proposals shall be accompanied by a certification that service of the proposals has been made upon all

other parties, and shall refer to all portions of the record and to all authorities relied upon in support of each proposal.

§ 580.32 Decision and order of administrative law judge.

(a) The administrative law judge shall prepare, as promptly as practicable after the expiration of the time set for filing proposed findings and related papers provided for in paragraph (a) of this section, the judge's decision in the matter, which shall become the final decision in the administrative process as provided in the Act 20 days after service of copies thereof upon the parties, unless exceptions are filed thereto as provided in § 580.33. The decision of the administrative law judge shall include a statement of findings and conclusions, with reasons and bases therefor, upon each material issue of fact, law, or discretion presented on the record. The decision shall also include an appropriate order which may affirm, in whole or in part, the determination by the Administrator of the occurrence of violations or which may find that no violations occurred, and shall order payment of a penalty in the amount originally assessed or in a lesser amount determined in accordance with 29 CFR 579.5 or order that respondent pay no penalty, as appropriate. The reasons for such action shall be stated in the decision.

(b) The administrative law judge shall transmit to the Chief Administrative Law Judge the entire record including the original of the decision. The Chief Administrative Law Judge shall serve copies of the decision on each of the parties.

§ 580.33 Exceptions.

(a) Within 20 days after the date of the decision of the administrative law judge, any party aggrieved thereby may file exceptions thereto with supporting reasons. Such party shall transmit his/her exceptions in writing to the Chief Administrative Law Judge, referring to the specific findings of fact, conclusions of law, or order excepted to, the specific pages of transcript relevant to the exceptions, and suggesting corrected findings of fact, conclusions of law, or order. Such exceptions shall be accompanied by proof of service of copies on the other party or parties to the proceeding.

(b) If exceptions are filed, the Chief Administrative Law Judge shall transmit the record of the proceeding to the appellate officer. The record shall include: The pleadings, motions, and requests filed in written form, rulings thereon, the transcript of the testimony and proceeding taken at the hearing, together with the exhibits admitted in evidence, any documents or papers filed in connection with prehearing conferences, such proposed findings of fact, conclusions of law, orders, and supporting reasons, as may have been filed, the decision of the administrative law judge, and such exceptions, statements of objections, and briefs in support thereof, as may have been filed in the proceeding.

§ 580.34 Decision on exceptions.

If exceptions to the decision of the administrative law judge are taken as provided in this part, the appellate officer shall upon consideration thereof, together with the record references and authorities cited in support thereof, make a final decision, which shall affirm, modify, or set aside, in whole or part, the findings, conclusions, and order con-

tained in the decision of the administrative law judge and shall include a statement of reasons or bases for the actions taken. With respect to the findings of fact, the appellate officer shall modify or set aside only those findings that are clearly erroneous. Copies of the decision and order shall be served upon the parties, and shall constitute the final determination in the administrative proceed-

ing as provided in section 16(e) of the Act.

Signed at Washington, D.C., on this 20th day of December 1974.

BETTY SOUTHWARD MURPHY,
Administrator,
Wage and Hour Division.

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